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NEW SERIES

No. 56

THE JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY



=====
MARCH, 1917
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2012-10
THE PENNSYLVANIA PRISON SOCIETY
FORREST BUILDING
119 SOUTH FOURTH STREET
PHILADELPHIA, PA.

OFFICIAL VISITORS.

No person who is not an official visitor of the prison, or who has not a written permission, according to such rules as the Inspectors may adopt as aforesaid, shall be allowed to visit the same; the official visitors are: the Governor, the Speaker and members of the Senate; the Speaker and members of the House of Representatives; the Secretary of the Commonwealth; the Judges of the Supreme Court; the Attorney-General and his Deputies; the President and Associate Judges of all the courts in the State; the Mayor and Records of the cities of Philadelphia, Lancaster and Pittsburgh; Commissioners and Sheriffs of the several Counties; and the "Acting Committee of the Philadelphia Society for Alleviating the Miseries of Public Prisons." (Note: Now named "The Pennsylvania Prison Society.")—*Section 7, Act of April 23, 1829.*

The above was supplemented by the following Act, approved March 20, 1903:

AN ACT

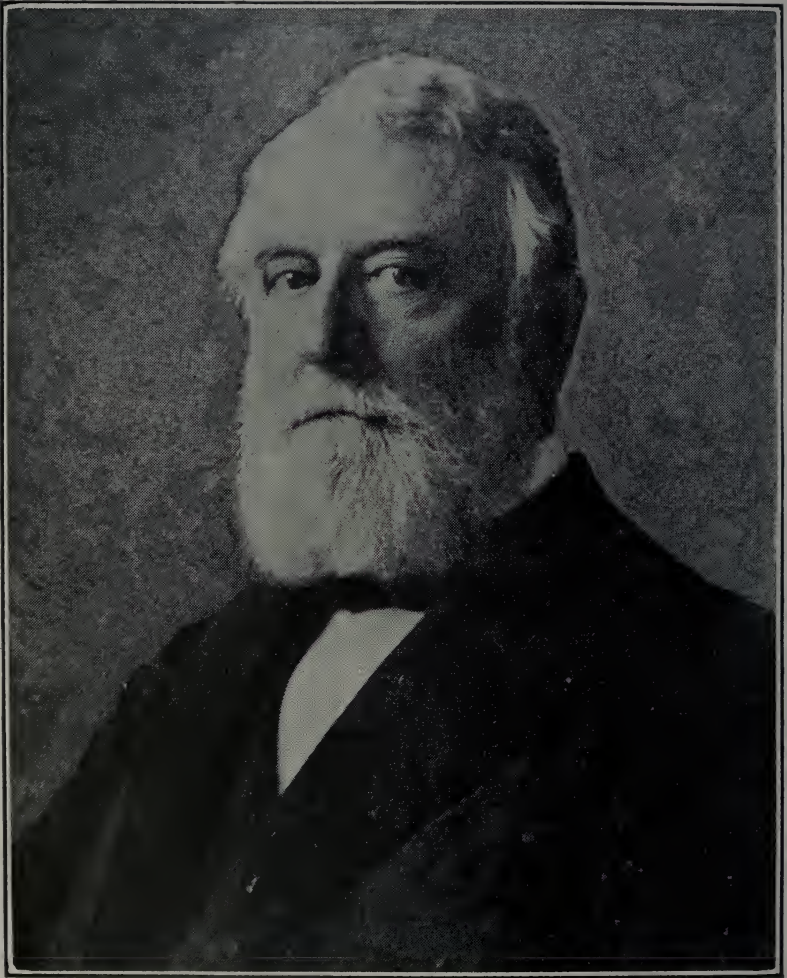
To make active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners official visitors of penal and reformatory institutions.

SECTION 1. Be it enacted, etc., That the active or visiting committee of any society heretofore incorporated and now existing in the Commonwealth for the purpose of visiting and instructing prisoners, or persons confined in any penal or reformatory institution, and alleviating their miseries, shall be and are hereby made official visitors of any jail, penitentiary, or other penal or reformatory institution in this Commonwealth, maintained at the public expense, with the same powers, privileges and functions as are vested in the official visitors of prisons and penitentiaries as now prescribed by law: *Provided*, That no active or visiting committee of any such society shall be entitled to visit such jails or penal institutions, under this act unless notice of the names of the members of such committee, and the terms of their appointment, is given by such society in writing, under its corporate seal, to the warden, superintendent or other officer in charge of such jail or other officer in charge of any such jail or other penal institution.

APPROVED—The 20th day of March, A. D. 1903.



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1826

JOSHUA L. BAILLY

1916

NEW SERIES

No. 56

THE JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY

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MARCH, 1917

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THE PENNSYLVANIA PRISON SOCIETY
FORREST BUILDING
119 SOUTH FOURTH STREET
PHILADELPHIA, PA.

OFFICERS OF THE SOCIETY FOR 1917

PRESIDENT

EDWARD M. WISTAR, Provident Building, Philadelphia.

HONORARY VICE-PRESIDENT

REV. HERMAN L. DUHRING, Chestnut Hill, Philadelphia.

VICE-PRESIDENTS

NORRIS J. SCOTT, Moylan, Pa.

JOSEPH C. NOBLIT, 1521 N. Broad Street, Philadelphia.

SECRETARY

ALBERT H. VOTAW, 119 S. Fourth Street, Philadelphia.

ASSISTANT SECRETARY

CHARLES P. HASTINGS, 119 S. Fourth Street, Philadelphia.

TREASURER

JOHN WAY, 409 Chestnut Street, Philadelphia.

COUNSELOR

FRANKLIN SPENCER EDMONDS, 133 S. Twelfth St., Philadelphia.

GENERAL AGENT

FREDERICK J. POOLEY, 119 S. Fourth Street, Philadelphia.

ACTING COMMITTEE

FOR ONE YEAR

Rev. J. F. Ohl
Harry Kennedy
Henry C. Cassel
Rev. Philip Lamartine
Frank H. Longshore

Mrs. Layyah Barakat
Miss Emily Whelen
Mary S. Wetherell
George S. Wetherell
W. Graham Tyler

Rev. M. Reed Minnich
Dr. Charles Williams
C. Wilfred Conard
Chas. C. Simmington
Rev. Tolger T. Hoverstad

FOR TWO YEARS

Dr. John Frazer
Fred J. Pooley
William Roser
William Koelle
George W. Wilkins

Mrs. Horace Fassitt
Mrs. Deborah C. Leeds
Mrs. Clara Hodges Allen
Miss R. P. Latimer
Mrs. Mary Ella de Long

Miss Annie McFedries
Joseph P. Byers
Franklin S. Edmonds
Leon J. Obermayer
Dr. J. Treichler Butz

FOR THREE YEARS

Charles P. Hastings
Isaac P. Miller
John Smallzell
John A. Duncan
Charles McDole

Rev. F. H. Senft
Mrs. Mary S. Grigg
Mrs. E. L. Thompson
Rev. Thomas Latimer
Dr. B. Frank Kehler

Fred Swartz Brink
Harrison Walton
William Morris
Robert B. Haines, Jr.
Alfred G. Steere

MEMBERS OF THE ACTING COMMITTEE FOR THE STATE-AT-LARGE

FOR ONE YEAR

ALLEGHENY COUNTY
Mrs. E. W. Gormly
Paul T. Beiswenger

FOR TWO YEARS

ALLEGHENY COUNTY
Rev. F. W. Beiswenger

CENTRE COUNTY
Hon. J. Linn Harris

FOR THREE YEARS

DAUPHIN COUNTY
Dr. J. J. Mallowney
BUCKS COUNTY
Mrs. Anna K. Garges
YORK COUNTY
Miss Bertha A. Cleaver
Miss E. M. Bonham

MONTGOMERY COUNTY
Capt. Nicholas Baggs

STANDING COMMITTEES FOR 1917

Visiting Committee—Eastern Penitentiary:

MEN

Joseph C. Noblit	Charles P. Hastings	W. Graham Tyler
Rev. J. F. Ohl	Charles McDole	William Morris
Rev. F. H. Senft	John A. Duncan	Fred Swarts Brink
Harry Kennedy	John Smallzell	William Roser
William Koelle	Albert H. Votaw	George W. Wilkins
George S. Wetherell	Rev. Thomas Latimer	Edward M. Wistar
Henry C. Cassel	Isaac P. Miller	Franklin S. Edmonds
Harrison Walton	Rev. M. Reed Minnich	Leon J. Obermayer
Frank H. Longshore	Dr. Charles Williams	Chas. C. Simmington
Dr. B. F. Kehler		Alfred G. Steere

WOMEN

Mrs. Deborah C. Leeds	Mrs. Layyah Barakat	Miss R. P. Latimer
Mrs. Horace Fassitt	Mrs. Mary S. Grigg	Miss Emily Whelen
Mary S. Wetherell		Mrs. Mary Ella deLong

Visiting Committee—Philadelphia County Prison—Moyamensing:

Joseph C. Noblit	Mrs. Deborah C. Leeds	Norris J. Scott
John A. Duncan	Mrs. Horace Fassitt	Albert H. Votaw
Rev. J. F. Ohl	Mrs. Clara Hodges Allen	Miss R. P. Latimer

Visiting Committee—Philadelphia County Prison—Holmesburg:

Frederick J. Pooley	William Koelle	Rev. Philip Lamartine
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Committee to Visit House of Correction:

William Koelle	Mrs. Deborah C. Leeds	Robert B. Haines, Jr.
Fred Swarts Brink	Mrs. Layyah Barakat	

Committee to Visit Delaware County Prison:

Norris J. Scott	Mrs. Deborah C. Leeds
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Committee on Discharged Prisoners:

Joseph C. Noblit	Mrs. Horace Fassitt	Charles P. Hastings
Dr. Charles Williams		George W. Wilkins

Committee on Legislation:

Rev. J. F. Ohl	Hon. J. Linn Harris	Franklin S. Edmonds
C. Wilfred Conard	Joseph P. Byers	

Committee on Membership:

Isaac P. Miller	George W. Wilkins	George S. Wetherell
John A. Duncan	Robert B. Haines, Jr.	

Committee on Police Matrons:

Mrs. Mary S. Grigg	Miss Emily Whelen	Mrs. Mary Ella deLong
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Editorial Committee:

Rev. J. F. Ohl	Joseph P. Byers	Dr. John Frazer
Rev. F. H. Senft	Albert H. Votaw	

Finance Committee:

W. Graham Tyler	Joseph C. Noblit	Isaac P. Miller
George S. Wetherell	Robert B. Haines, Jr.	

Auditors:

John A. Duncan	Chas. P. Hastings	Isaac P. Miller
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JOURNAL OF PRISON DISCIPLINE AND PHILANTHROPY

ONE HUNDRED AND THIRTIETH ANNUAL MEETING OF THE PENNSYLVANIA PRISON SOCIETY.

The 130th Annual Meeting of THE PENNSYLVANIA PRISON SOCIETY was held at the office of the Society in the Forrest Building, 119 South Fourth Street, Philadelphia, on the afternoon of January 11, 1917.

Twenty-two members were present.

Vice-President Norris J. Scott took the chair.

Announcement having been made of the death of President Joshua L. Baily, the Secretary read a memorial giving the history of his connection with the Society since the year 1851, along with an appropriate estimate of his distinguished services.

Rev. J. F. Ohl followed with a written appreciation of the character and humanitarian activities of our late President.

It was directed that a memorial for our records be prepared which should combine the thoughts and information contained in both papers and that a copy thereof should be furnished to the family of the deceased. (See page 17.)

Additional tributes to his memory were made by the Chairman, Rev. J. F. Ohl, George S. Wetherell, Deborah C. Leeds and the Secretary.

The minutes of the 129th Annual Meeting were read and approved.

The Report of the Acting Committee for the year 1916 was read by the Secretary. It was approved and directed to be printed in the JOURNAL. (See page 8.)

The Treasurer, John Way, presented a detailed statement of the receipts and payments for the fiscal year ending December 31, 1916, accompanied by a schedule of the securities in his possession belonging to the Society. The report had been duly audited and was accepted by the Society. (See page 15.)

As the members of the Acting Committee are according to law Official Visitors of all penal institutions in the Commonwealth of Pennsylvania, it was suggested that this Committee should make a formal report to the Governor and to the General Assembly with especial reference to the conditions and administration of the various prisons visited, and that possibly such report would be issued by the State as a public document. The Secretary was instructed to make some inquiries of the proper authorities with regard to this matter.

W. Graham Tyler, on behalf of the Committee on Nominations, presented a list of nominations for the officers of the Society, and for members of the Acting Committee to succeed those whose terms will expire on February 1st. An election being duly held, the persons nominated were unanimously elected for the offices designated in the ticket. (See page 2.)

To nominate the officers at the next Annual Meeting, Rev. J. F. Ohl, Isaac P. Miller, C. Wilfred Conard, Miss Emily Whelen and Mrs. Elizabeth W. White were appointed.

Edward M. Wistar, the President-elect, made some fitting remarks and the meeting adjourned.

ALBERT H. VOTAW, *Secretary*.

RAINBOW HOUSE.

About twenty miles from City Hall, Philadelphia, and ten miles from the city boundary, in a fine farming section of the State, with beautiful outlook, may be found the institution called the "Rainbow House," to which we take pleasure in calling the attention of readers of our JOURNAL. This is a charitable institution established and maintained by Mrs. Maud Ballington Booth, for the purpose of receiving and caring for destitute wives and children of prisoners until their husbands and fathers are again ready to support a family. It quite often happens that when the Judge sentences a man to prison he is at the same time sentencing a family to bitter poverty. This home will accommodate about forty young children and some women. In New York State, babies are sometimes born in prison, but after two years they must be taken from the mother and placed with relatives or guardians. In a number of States it is provided by law that women about to become mothers may be taken to an outside hospital till the child is born. Such babies sometimes are placed in the homes founded by Mrs. Booth. The children at Rainbow House are sent to school when they are old enough, and they attend Sabbath School, which is held on an adjoining church property. The grounds comprise twelve acres, used for garden, fruit, poultry yard and play-ground. The mothers assist in the domestic operations. A kindly Christian atmosphere permeates the entire management. This institution is accomplishing a grand work, and just now can accommodate a larger number of inmates. Should any of our readers report to the Secretary of The Pennsylvania Prison Society any cases of destitution which might be alleviated by this bountiful charity he will make investigation with a view of placing the indigent mothers and children in this delightful home.

REPORT OF THE ACTING COMMITTEE FOR THE YEAR 1916.

To the Pennsylvania Prison Society:

All the regular monthly meetings of the Acting Committee have been duly held during the year 1916, a quorum having been present at each meeting. While for various reasons, it has seemed advisable to hold the meetings at three o'clock in the afternoon, we realize that many of our members are actively engaged in business which prevents their regular attendance.

However the reports indicate no lack of interest or of activity. For the first time in our history, the number of members of your Committee has reached sixty, the maximum limit allowed by the Constitution. Outside of Philadelphia County, we now have members reporting from the Counties of Allegheny, Bucks, Centre, Chester, Delaware, Dauphin, Lehigh, Montgomery, and York. Desiring to extend the area of our influence and usefulness, we suggest that efforts be made to appoint a correspondent in practically every county of the State in order that we may be kept informed of improvements made and needed.

VISITATION.

The reports of our various Visiting Committees for the year ending November 30, 1916, indicate that much personal labor has been bestowed upon the inmates of many of our prisons. This work is purely a labor of love, and doubtless has been instrumental in reclaiming many who were abandoned by hope and devoid of any good aspiration.

Number reported visits made to the Eastern Penitentiary	529
Number reported interviews with inmates of the Eastern Penitentiary	8,727
Number reported interviews with inmates of the Philadelphia County Prison	4,854
Number letters written on behalf of those arrested in the Municipal Court.....	1,962
Number reported visits made to prisons outside of Philadelphia	167
The number of prisoners interviewed in these county prisons has not been reported, but we are justified in estimating the number of prisoners receiving visits in the year ending November 30, 1916, as at least.....	15,000

The objects of personal visitation are various:

1. To bring to the prisoners an intimate presentation of the Gospel message.

2. To gain the confidence of the prisoner and learn the story of his life, not for the sake of exploiting the prisoner, but for the purpose of investigating the causes of crime. What has made this man a criminal? How much have environment, education, poverty, early influences, wrought the undoing of this man or woman?

3. To exchange views and discuss topics of general interest, which is quite often of mutual advantage. To let the unfortunates know that they have friends who are willing to help them. A friendly greeting, a word of cheer, encourages the man who is "down and out."

OFFICIAL REPORTS.

The members of the Acting Committee have been "Official Visitors" to all penal institutions of the State since the year 1829. The minutes of the Acting Committee for May 2, 1829, state that, having heard of the action of the General Assembly, they "are deeply sensible of the high trust and confidence reposed in them by the Legislature." It was resolved that the members of the Acting Committee visit the Eastern Penitentiary monthly and make annually a full report in writing to the Society. This report has been made according to the direction, but was not published till January, 1862, since which time it has regularly appeared in each number of the JOURNAL.

As the JOURNAL is distributed through the State, some publicity is therefore given to our proceedings. In the State of New York, the Prison Association, an organization with privileges and duties similar to our own Society, transmits its report directly to the Legislature of the State and is printed as a public document. It is well worth the consideration of our members whether such an arrangement might heighten the influence of our organization as well as relieve us from the burden of considerable expense.

We have already spoken of the objects to be attained by personal visits to the prisoners. But as "Official Visitors" to all penal institutions in the Commonwealth, does our duty end with such personal calls and with religious services, however valuable such services may be? Our By-Laws provide that our visiting committees shall familiarize themselves with the condition of the buildings, and their adaptation to the purpose intended, note the discipline and management and make a written report of their observations on all matters which may come to their attention at each stated meeting of the Acting Committee.

If we should present an official report directly to the Governor and the General Assembly, the condition, management and reforming influences of each prison should receive such careful attention as was intended by our appointment as "Official Visitors." It would be expected that our reports would include observations on sanitation, ventilation, cleanliness, food and its preparation and service, the privileges of the prisoners, their employments, and the uplifting influences. It would not be expected when the same prison is visited week after week, that each of these subjects should be treated in each report. However, in the course of the year, our records should indicate that attention has been given to these matters. For all improvements of every kind, due credit should be given, and the deficiencies should receive constructive criticism.

PENAL LEGISLATION.

Our Committee on Legislation has from time to time considered what measures will best effect the reformation of the convict and restore him as a useful citizen to the community. While we are entirely aware that sin is not averted by legislation, yet we are convinced that the humanizing tendency of the last decade of penal legislation has had a wholesome effect. The old methods of punishment dealt with the criminal as an outlaw and confirmed him in his career of crime.

The present day penology is based on the principle that the convict, though rightly withdrawn from society for the safety of the community, has within him the power for recuperation and therefore merits such treatment as will develop this power. He may also be regarded as defective or diseased and in need of treatment suitable to his condition. To accomplish these desired results, it is no longer deemed necessary in any civilized correctional institution to place men on the pillory, to crop the hair, to clothe with a degrading uniform or to employ them in humiliating labor. These methods belong to a dispensation which no longer obtains.

The penal legislation of the Commonwealth of Pennsylvania for the last twenty years has been directed toward the reformation of the criminal while still safeguarding the community. In order for the furtherance of these beneficial results, the General Assembly, meeting in 1917, will be requested to consider the enactment of additional measures.

1. An amendment to the present law, providing for the employment of prisoners in the manufacture of articles to be used in public institutions throughout the State, to the end that the managers of said institutions must purchase said articles from the factories in the prisons provided they may be obtained therefrom. Among such industries, we suggest the making of bricks for road

making or for the construction of public buildings, the employment of prisoners in crushing stone for use on roads, and when they are employed on farms the privilege of selling the surplus products, and possibly the establishment of canneries on the most improved sanitary system.

2. The establishment of some industrial farms to which all those sentenced to thirty days or more in the county prisons may be sent. We see no other efficient way to abolish the idleness so prevalent in all our county jails. On each farm, some industry such as rock-crushing, quarrying, brick-making, broom-making, etc., should be established in addition to the purely agricultural operations.

3. It seems to many of us that it would be desirable to make some modification of the law providing for the imposition of a maximum and a minimum sentence upon those who are forwarded to the Penitentiaries of the State. The law places the maximum limit of time for which a person convicted of designated offence may be sent. The minimum limit of time is left absolutely to the Court. With all deference to the high character of the Judges throughout the State, an inspection of the sentences imposed indicates that the viewpoint of the Judges lacks uniformity. The Court in one county may be very consistent with its own record in the imposition of sentences, but another county, equally consistent with its record, may set up quite a different standard. In one county the Judge may regard a horse thief with peculiar abhorrence and sentences the culprit from nine to ten years. In an adjacent county, the Judge for the same offence may pronounce a sentence from three to ten years. The convict knows that if he makes good, he may be paroled at the end of three years, the other is painfully aware that he must remain nine years, however good may be his record. We cheerfully admit that horse thieves, barn burners, fake promoters, may represent different degrees of depravity, and therefore the penalty should be adjusted in accordance with the circumstances of the crime. Granting this to be correct, we believe that it would be just as equitable for the Legislature to establish a fixed limit beyond which the minimum sentence must not be pronounced as to establish a limit for the maximum sentence. Let us suppose that the maximum time for some designated crime is twenty years, and that the present law may be amended so as to declare that the minimum sentence shall not be more than one-half the maximum time prescribed for this crime. The Court under this provision may sentence the criminal from ten to twenty years. No longer would we find on the records such sentences as twelve to twenty years, fifteen to twenty, or nineteen to twenty. The sentence might be one to twenty, five to twenty, but in no case would the minimum exceed ten years.

This arrangement would afford the Court a considerable latitude in fixing the length of the sentence. If the circumstances connected with the felony constitute a flagrant violation of law, the Court may be justified in assigning a sentence of ten to twenty years. If there are mitigating considerations, the sentence may read one to twenty years. It must be recollected that a prisoner is not necessarily paroled at the end of his minimum sentence. The Parole Board decides the time of his conditional release, and unless they are convinced that the man is not ready for citizenship, he is retained. He may remain to the full extent of his maximum sentence. Thus the Court to a certain extent divides the responsibility with the Parole Board which also exercises judicial functions. Where the Court leaves the prisoner, the Parole Board takes him up, and this combination of determining forces may rightly be considered as dealing justly and satisfactorily both for the interest of the convict and the community. We entertain the hope that the law may be so amended as to allow this combination of judicial authority to have its intended consummation. The law would then conform to the statutes of New York and New Jersey on this subject.

4. According to Section 16, Article 1, of the Constitution of Pennsylvania, the body of an insolvent debtor, who has not defrauded his creditors, may not be detained in prison. But in many counties of the State, persons who cannot pay their fines or costs are detained in prison for longer or shorter periods. The practice is by no means uniform. However, it appears to us absurd to detain a prisoner who cannot pay his fines, unless the county may at the same time give him employment which will enable him to earn his release. The county gains nothing by detaining him, but actually loses both the fine and the expenses of boarding and lodging him. In many other States, the prisoner who cannot pay his fine, has the opportunity to pay the fine by working it out. He is credited with a certain amount for each day's labor, and is released when the fine is paid. Usually there is a limit to the time for which such prisoner may be sentenced. The Secretary's report on the practice in other States may be found in the JOURNAL of 1917.

We are convinced that the parole system is especially applicable to those who are imprisoned for non-payment of fines. If the Court should release a man so detained on condition of paying some stipulated sum each month, the county would receive more money and would be relieved of the expense of supporting those who at the time of trial lack the means of paying the fine which may be imposed. The man is not detained because he is regarded as a menace to the community; he is detained simply because he has no money. His release works no hardship to society, but gives him opportunity to pay his debt to the county.

5. The Acting Committee will support the bill now pending before the Assembly, providing for the abolition of the death penalty. When the Society was organized, in 1787, there were twenty crimes punishable by death. Within seven years the number of capital offences was reduced to one, murder in the first degree. After nearly a century and a quarter, it is surely time to take another step. The death penalty is a relic of the old covenant. It is based on the desire for revenge. We are convinced that the death penalty is more of a hindrance to conviction than a deterrent to crime. Twelve States have abolished capital punishment, only two of which have restored the practice.

AID FOR DISCHARGED PRISONERS.

An important part of our work is the care of those who have been released from imprisonment. Not a day passes without opportunity to give aid to one or more applicants. We have had this year far less difficulty than formerly in securing employment for those who have "served time." There are at least two causes for this condition:

1. There is more demand for labor than can be supplied.
2. There is a growing sentiment that the man who has once gone wrong should have opportunity to "make good." Hundreds of firms throughout the country have signified their willingness to give employment to discharged prisoners. We have just received a letter from one of the large industrial plants in Philadelphia asking that we send them an indefinite number of released prisoners who seem likely to conduct themselves as law-abiding citizens.

WORK OF THE GENERAL AGENT.

The report of our Agent, Fred. J. Pooley, reveals the large field for useful service both at the City Courts and at the County Prison. His personal investigations are accepted at their face value by the Magistrates, and we feel convinced that many young and reckless boys and girls are prevented by his timely aid from entering upon a criminal career. His report will be found in the JOURNAL.

NEED OF FINANCIAL SUPPORT.

Ever since the first appeal sent out by Bishop White in 1787, the Society has been obliged to ask generous citizens for contributions in order to carry on its work. Our friends have responded, liberally to our appeals, and we trust they will still enable us to continue this work which will be needful as long as sin abounds in the world. The administrative expenses are almost met by the income from our funds, but contributions are requested for several purposes.

1. Daily we are called upon to furnish employment to those who have gone wrong, but who now earnestly desire a chance to reinstate themselves as decent members of the community. They often need tools, clothing and support while in quest of a position. Often their families need assistance. Their circumstances are personally investigated.

2. Hundreds are annually discharged from the county prisons, and many of them must be helped in securing temporary board and lodging, in getting transportation to their home or friends and in finding employment so that they may become wage-earners. Otherwise, they become sullen, despairing, and again yield to the temptation to get even with an unsympathizing public by unlawful means.

3. The General Agent daily interviews those who are arrested and brought before the Committing Magistrate at City Hall. Runaway boys and wayward girls are often delivered into his care. They are generally forwarded to their homes, or, if they have no home, efforts are made to place them under proper influences. Numerous are the opportunities to secure employment for the jobless wanderer.

4. Our publications involve large outlay of money. We have reason to believe that the circulation of the latest information concerning improvement in penal methods is one of our important duties. The results of personal investigations have been placed before the public, and it has been very gratifying to note an awakened general interest in efforts to extirpate the evils of penal administration.

OUR SUPPLEMENTS.

In each of the last three years, the Society has issued a Supplement to the JOURNAL, largely devoted to the conditions in county prisons of the State.

The Supplement of 1914 is a pamphlet of 24 pages, containing the results of the Secretary's investigations into the conditions of every county jail of the Commonwealth. Seven thousand copies were printed, and the demand was so extensive that only one hundred copies remain in the office.

In 1915, the Supplement was devoted to the penal legislation passed by the General Assembly of that year. Four thousand copies were printed, of which a very few are left.

This year, the Secretary made a study of twenty-five of the prisons in the largest counties of the State, and embodied his observations in a pamphlet of 52 pages, in which the efficiency of the various prisons is measured by approved standards of penal management. Four thousand, nine hundred copies have been printed, and have been distributed largely throughout the

State. These three pamphlets constitute a sort of manual on the County Prisons of the State, and have been in demand not only in Pennsylvania, but in many other States of the Union. In several colleges from Kansas to Massachusetts, our pamphlets have been requested for use in the class room. It has been especially gratifying to us to note the widespread sentiment to the effect that in some way our prisoners must have employment.

CONCLUSION.

The Society will soon have completed the one hundred and thirtieth year of its existence. Its mission has not been accomplished. Certain horrible features of prison management have been eradicated, and the business of the professional executioner no longer has recognition. In movements to effect such measures, our society in its early days labored zealously and efficiently. Comparatively humane treatment of prisoners is now the rule, not the exception. But they are not being cured or reformed. Recidivists, or those who have served before, make up fully one-half of the prison population. In other words, if imprisonment were a panacea for criminal propensities, our prisons would contain less than half of the number of inmates now incarcerated. Our system of penal instruction has failed to reach certain types of offenders. Then the attitude of the public is too often prejudicial to the man or woman who has served time. These prejudices, we are glad to report, are gradually being removed so that it is far easier than formerly to secure a place in the community for any man or woman who has a real desire to make good.

With chastened hope, we may look forward to the disappearance of criminality, but for the present, it is our duty patiently and persistently to divert the forces which make for outlawry to such activities as will inure to the benefit of the community.

On behalf of the Acting Committee,

EDWARD M. WISTAR, *President.*

ALBERT H. VOTAW, *Secretary.*

FINANCIAL STATEMENT

RECEIPTS FOR THE YEAR 1916

To Balance January 1, 1916.....	\$2,088.35
" Contributions	3,724.75
" Dues, Annual Members.....	268.00
" Fee, Life Membership.....	50.00
" Income from Investments.....	2,329.84
" Income from I. V. Williamson Charities.....	720.00
" Income from Barton Tool Fund.....	109.76
" Income from Anna Blanchard Fund.....	220.50
" Interest on Deposit Balances.....	48.64
Total Receipts	\$9,559.84

PAYMENTS

By Aid to Discharged Prisoners.....	\$1,345.62
" Tools for Discharged Prisoners.....	125.26
" Religious Literature for Distribution to Prisoners.....	75.00
" JOURNAL for 1916, Supplement, Postage for Same.....	660.70
" Traveling Expenses, Secretary, Agent, Delegates.....	259.98
" Postage, Printing, Stationery, etc.....	398.65
" Office Supplies, Telephone, Janitor, Rent, etc.....	384.80
" Library, Periodicals	18.10
" Annual Fee, American Prison Association.....	5.00
" Salaries, Clerical Aid.....	3,119.30
" Investment for General Fund.....	1,071.13
" Balance December 31, 1916.....	2,096.30
Total Payments with Balance.....	\$9,559.84

FUNDS HELD FOR HOME OF INDUSTRY

The Receipts were on Account of Income.....	\$358.58
The Payments to Home of Industry.....	358.58

Respectfully,

JOHN WAY, *Treasurer.*

We, the undersigned, members of the Auditing Committee, have examined the foregoing account of John Way, Treasurer, compared the payments with the vouchers, and believe the same to be correct. We have also examined the securities in the hands of our Agents, THE PROVIDENT LIFE AND TRUST COMPANY OF PHILADELPHIA, and find them to agree with the list hereto attached.

CHARLES P. HASTINGS,

JOHN A. DUNCAN,

ISAAC P. MILLER,

Auditing Committee.

REPORT OF GENERAL AGENT FRED. J. POOLEY.

The General Agent during the year 1916 made daily visits to Cell Room, City Hall. Sixteen thousand two hundred and seventy-five men and women passed through the cells there before going to Moyamensing Prison. Of these, 12,340 were visited by the Agent and the balance after they were received at Philadelphia County Prison. The number of prisoners received from all the Station Houses at Moyamensing Prison during the year was 17,599, an increase over the same period the year previous of 77.

Visited at Holmesburg and Moyamensing Prison during the year	5,040
Assisted discharged prisoners during the year..	510
Relatives and friends of men and women under arrest at Central Police Station notified by Agent	1,912

The General Agent has visited the Cell Room, City Hall, daily since November 19, 1910, since which time he has sent word to 12,542 relatives and friends of prisoners. Many of those committed were saved from disgrace of imprisonment, the ends of justice being met by the payment of a fine or by release on bail.

It is about 9.30 A. M. when your Agent arrives at the Central Station. He then walks from cell to cell, saying to the prisoners, "Good morning, gentlemen." By the time your Agent reaches the lower end of the cells, he will hear some of the men say: "Did he say gentlemen? He is the first person to call us that." By the time he returns, they are all anxious to speak to the man who called them "gentlemen," and many will open up and tell much of their past, their confidence having been gained by a little courtesy. After about thirty minutes in the Cell Room, the Agent goes over to his desk in Room 625, City Hall, where he remains until 11 A. M., during which time the Magistrate frequently consults the Agent in regard to runaway boys, and requesting the Agent to investigate further, will often place the boys in his care. Very frequently arrangements are made to send such boys or girls to the home of their anxious parents. Boys thus sent home and now grown to manhood, living in distant cities, frequently write of the time when they were arrested for riding on a freight train or picked up on the street as suspicious

characters because they were without money and in a strange city, and express their gratitude for our intervention in their behalf. Time and time again young men have said to me, "I never expected to become a criminal, but for two or three days I had been in this strange city without friends and without food and I forgot God and fell."

Our thanks are due to Emlen Hutchinson, Esq., for his generous donations for the purpose of sending runaway boys and girls to their homes.

We also desire to acknowledge the splendid service of Mrs. Horace Fassitt, known to prisoners as "Mother Fassitt." Her zeal, deep interest and generosity are greatly appreciated.

Respectfully submitted,

FREDERICK J. POOLEY,

General Agent, The Pennsylvania Prison Society.

JOSHUA L. BAILY.

On December 6, 1916, at his home, "Langmere," Ardmore, Pa., our honored President, Joshua L. Baily, died in the ninety-first year of his age.

He was elected a member of The Pennsylvania Prison Society January 7, 1851, and retained his membership till the time of his death, lacking only one month of sixty-six years. In January, 1852, he was chosen as one of the Acting Committee, a position he retained till 1857, associating on this Board with Townsend Sharpless, Richard Williams, James J. Barclay, Jeremiah Hacker, William S. Perot, Joshua T. Jeanes, Wistar Morris, John J. Lytle, Dr. William Shippen, and other citizens who were prominent in their day as useful members of the community. For two generations later, while actively extending his large mercantile interests, he was active in numerous organizations designed to promote the best interests of City, State and Nation.

Just fifty years after he had resigned from the Acting Committee he was, in 1907, elected the Chairman of this Committee and President of the Society, a position which he filled with grace, dignity and fine judgment for almost ten years. At a meeting of the Acting Committee, held November 17th of last year, he presided with his usual courtesy and splendid insight into every detail which concerned the activities of the organization. In his last brief illness of little over two weeks, he gave minute directions pertaining to the mission and future of our Society, stating that he thought it unlikely that he would ever again come to the office of the Society. It has always been his object to extend the scope of the mission of this organization. When he was chosen President, he found the activities of the Society were largely confined to relief work in the various Phila-

delphia prisons, and while this work was not discontinued, he constantly brought pressure to bear on measures for the general improvement of prison management throughout the Commonwealth and urged the enactment of legislation designed to give every prisoner an opportunity for employment.

In the removal of Joshua L. Baily from our midst, the world lost a man cast in the noblest mold. In everything that demands matured convictions, a large heart, and character of the highest type, he was a shining example. As a business man, he demonstrated how large and profitable interests can be built up by sound and honest methods; as a citizen of the State, he was among the foremost to advocate and uphold every movement for the public good; and as one filled to overflowing with love for his fellow-men, there was hardly a form of philanthropy in which he was not interested at some period in his life.

As a public speaker, he had a rare gift combining lucidity of expression with an attractive delivery. More than fifty years ago, with James G. Blaine, he addressed many audiences in the State of Maine pleading for the re-election of Abraham Lincoln. In all efforts to promote the public welfare, to elevate the tone of political enterprises, to eradicate great evils from the community, to aid the distressed in every clime, he took a prominent part, using his voice, his influence, and his means in the accomplishment of beneficent measures for the good of humanity. As a young man, he assisted in the organization of a society for the relief of the Irish peasantry at the time of the famine in 1846. He was one of the founders of the Society for Organizing Charity and was President of that organization for eighteen years. He served on the National Relief Commission during the Spanish-American War, and was appointed by the government chairman of supplies, in which capacity he rendered efficient service. Directly after the Civil War, he became interested in the Freedmen and for half a century devoted himself to the uplift of the colored race. For this cause, he made liberal donations.

How numerous and multiform were the activities of this kind in which he was more or less engaged! The poor, the sick, and the imprisoned were the objects of his care and the recipients of his charity; the promotion of temperance and clean living claimed a large share of his attention; the diffusion of Christian literature and especially of the Holy Scriptures received his active encouragement and support; when the stress of war and the ravages of epidemics and famine made it necessary to inaugurate measures of relief, he was among the first to lend a helping hand; and imbued, as few men are, with the utter uselessness of resorting to arms for the purpose of settling disputes between nations, he was the constant and consistent champion of peace. In all these

forms of service, he could well have said with the Apostle Paul: "I labored more abundantly than they all; yet not I, but the grace of God that was with me." It is given to few men to labor as long as he did; and but few of the longest lives are so fruitful in good as was his.

It is a unique record that the late President Baily cherished vivid recollections of seeing the first President of the Society, Bishop William White, attired in his official robes, as he passed by his father's door on his way to perform the service in Christ Church. Bishop White was President from 1787, when the Society was organized, to 1835, the year of his death. As Bishop White with broad vision gave personal attention to this work of reform, so our late President Baily was an Executive of high order, devoting himself with rare fidelity to the causes for which the Society was founded.

We shall keenly miss his genial presence, deep insight, able leadership. While we knew that on account of his advanced age, we could not hope for a continuance of his services, there is cause for gratitude that he attained the ripe age of four score and ten with faculties unimpaired. Recently in speaking of his long life, he bore this testimony: "I love nature and observe her rules. That's the reason I am spending the ninetieth anniversary of my birth with friends. I am at peace with God and man, and hope and pray I can soon say as much for the world."

Wm. E. Tatum, a member of the Acting Committee from 1901 to 1913, died January 20, 1917, at his home in Philadelphia. He possessed the ornament of a meek and quiet spirit. Without ostentation he faithfully discharged his duty toward God and his fellow-men.

COUNTY PRISONS.

Though the Pennsylvania Prison Society found no ideal institution in its investigation of twenty-five county prisons in the State yet its report shows that progress is being made, though slowly. Perhaps the most far-reaching criticism is that upon conditions which obtain in regard to the employment of convicts.

Only three institutions reported all prisoners employed and ten counties reported no employment except domestic service. The report points out that it is a travesty upon the law to announce a sentence at hard labor and then assign a convict to absolute idleness or light domestic service such as cooking, sweeping, etc.

There is no axiom of modern penology that carries with it more potential good for the convict than the rule that labor at some useful task or trade must be provided and remuneration given. An idle convict is one who has time and opportunity to intensify evil habits, plan revenge upon society in returning to his old haunts and old habits which consequently accelerates his physical and moral disintegration. Useful labor, particularly if it is paid for, will instill in most men the pleasure of the craftsmen in the job well done; will develop in them some pride in their old trade or the one they learn in prison; will send them to sleep with healthy fatigue and turn them out at the end of their term with money in their pockets and an honest trade with which to start anew.

The report complains that the law passed by the last Legislature providing that counties could employ all convicts in manufacturing articles which may be used in other public institutions has not been tried. This State use system is being tried in other parts of the United States and is not only benefiting the convicts, but saving money for the States and counties associated in the project.

The recommendations for using convict labor on roads, which only one county is doing, for the abolition of the fee system of getting the prisoners' food by giving the sheriff a stipulated amount each day, and the substitution of the contract system, is a wise one.

Progress in common-sense methods of discipline and the rehabilitation of antiquated prisons is described. It is stated of the Philadelphia institutions that they compare favorably with all investigated, but there is much room for improvement, and the officials will do well to study the report and try its recommendations.—*Philadelphia Press*.

TWO PENNSYLVANIA INSTITUTIONS.

A recent visit by members of the Pennsylvania Prison Society to the Industrial Reformatory at Huntingdon and to the site of the new Penitentiary at Rockview, Centre County, furnished the suggestion for the following paper.

In 1878 the Legislature enacted a law authorizing the establishment of a third penitentiary, to be located somewhere in the central part of the State. The commission appointed to select a site reported in favor of Huntingdon. At the session of 1881 a supplement to the act of 1878 was adopted providing that the property purchased at Huntingdon for the purpose of a penitentiary be used for the construction of a State Industrial Reformatory, to serve as a place for the confinement of male convicts between the ages of fifteen and twenty-five years, not known to have been previously sentenced to any penitentiary or State prison. A Board of Building Commissioners was authorized to carry the project into execution. Successive appropriations enabled this commission to complete their work in the latter part of 1888, and on February 15, 1889, Governor James A. Beaver by proclamation declared the Reformatory opened for the reception of prisoners.

The declared purpose of the Reformatory was to be to prevent young first offenders from becoming confirmed criminals, and to this end to subject them while in custody to such remedial treatment, training, and instruction as is conducive to the making of honest, industrious, and reputable citizens. Hence from the beginning such provision was made as would secure to each inmate, to a reasonable degree at least, the elements of a common school education; and instruction in such manual handicraft was introduced as would enable each one to acquire a sufficient degree of proficiency to obtain honorable and self-supporting employment on his discharge. Among the trades taught at present are those of bakers, barbers, blacksmiths, bookbinders, bricklayers, butchers, carpenters, clay modelers, cooks, electricians, farmers, firemen, florists, gardeners, horseshoers, house painters, laundrymen, machinists, moulders, patternmakers, photographers, plasterers, plumbers, pressmen, printers, linotype operators, stationary engineers, shoemakers, shoe and clothing cutters, sign painters, stockingmakers, stonecutters, stonemasons, tailors, tinsmiths, wagonmakers, woodcarvers and wood turners. Classes are also maintained in architectural and mechanical drawing, in sloyd, and in band and orchestra music; and as many men as are needed

for the purpose are employed as bathhouse, hospital and gymnasium attendants, librarians, clerks and messengers, drivers, stablemen and kitchen helpers, and in other capacities.

Commitments to the Reformatory may be made by Courts of Oyer and Terminer, and Quarter Sessions of any of the counties of the State, and for nearly all grades of crime excepting murder. All sentences are indeterminate. The Court does not fix or limit the duration thereof; but the term of imprisonment shall not exceed the maximum provided by law for the offense committed. Releases can be obtained only by a parole by the Board of Managers. No inmate can, however, be paroled until he has been in the institution from twelve to thirteen months (unless the maximum sentence expires before that time), and then only on condition that he has made a perfect record during that entire period in his conduct, labor and school studies, and that the maximum sentence provided by law for the crime of which he was convicted is not more than three years. If the maximum sentence is for a longer period, indicating a crime of a more serious nature, he may be held for a longer period, even though he has made a good record.

In his report for 1913-14, the General Superintendent says: "The system of releasing inmates on parole, still subject to the custody of the Reformatory, was introduced in its early history, and the practical results attending its operation have been of a highly satisfactory character and fully warrant its continuance. The fact that there are violations of parole on the part of some must not condemn the system; and to those who are fully acquainted with its workings, both on the part of those who make good, as well as those who fail, it is a well-known fact that in a number of cases the failure was not premeditated, but rather the result of sudden impulse in yielding to some temptation while beset by former associates, or awakened tendencies which proved too strong to be withstood. A courage born of the heroic must sometimes be exercised by the paroled man to stand for the requirements of his agreement."

Following a table showing the results of the Reformatory's parole system from 1900 to 1914, the General Superintendent says again: "It appears that out of 3809 inmates released on parole, 547 of the number violated the same, a percentage of 14.37, and that of these 547 violators 379 of the number have been returned to our custody, that 41 others were located in other prisons or enlisted in the United States Army or Navy, making the number actually lost on January 1, 1915, 127; and they, together with the 41 in other prisons and located as shown, make the percentage of actual loss of the 3809 paroled but 4.42 per cent." In the Report of the Board of Managers for 1913-14 we read: "On

release on parole the inmate is furnished a respectable suit of citizen clothing made in the institution, and the usual gratuity as provided by law—a cash payment of \$5.00, if going within fifty miles of the Reformatory, and \$10.00 if going any distance over fifty miles, and out of which his railroad ticket is purchased. He is conveyed to the depot and put on the train, and goes to destination where his employment has been obtained (in this State or in other States when a resident thereof) alone. A natural supposition would be that many of them, especially those who are going among strangers, would fail to report to their employers. We are pleased to say that such is not the case, and that during the past eighteen years out of the 4415 inmates released on parole but seven of them failed to report to their employers, and but one during the last six years. The violation of parole has occurred at a later period and for some other cause.”

There are four grades of inmates, the first or highest, the second or intermediate, the third or lower, and the fourth or lowest. All new inmates when received are placed in the second grade, from which after six months they are promoted to the first, if they have made a perfect record, and in which they obtain privileges not previously enjoyed. If, while in the second grade, one shows wilful disobedience he may be demoted to the third grade, and from this to the fourth if there is no amendment. The results achieved by this system are quite remarkable.

The institution observes the religious and national holidays in an appropriate manner; lectures and entertainments are frequently given; a large and carefully selected library is at the disposal of the inmates; a weekly newspaper, edited and printed in the Reformatory, keeps them informed of the doings of the outside world as well as of the happenings within the institution; and the spiritual interests of the prisoners, in public and private ministrations, are looked after by a Protestant and a Catholic chaplain, the former holding a Sunday-school at 8.45 A. M., and a preaching service at 2 P. M. of each Lord's Day in the fine chapel of the institution, and the latter a service on each third Sunday of the month.

Occasionally uninformed or misinformed persons allow themselves to indulge in severe criticism of the Huntingdon Reformatory. It has been said that it fails of its purpose; that its methods are harsh and repressive, and that under these methods men are made worse and not better. But no fair-minded person who visits the institution, and sees its operations, and comes into close contact with its inner life, can go away unimpressed with the thought that if what is here done for the development of character is not effective, nothing else will be. There are those, of course, in every penal institution who are either so warped in their na-

tures, or else of such low mentality, that they will respond to no uplifting influences; but the Reformatory system is, therefore, not to be condemned because it does not save all. A study of the reports of the institution under consideration will reveal the fact that many who were once its inmates were permanently benefited, and on their release began life anew, and are now respected members of society.

The one feature in the life of the institution that made an unfavorable impression on the visitors was that the unnatural silent system is still maintained at all times and places except during the evening meal in the dining-room. It is a cruel and unnecessary punishment to prevent a lad or a young man from conversation for one, two or three years of his life. In very few penal institutions of the nation are the privileges of conversation among the inmates prohibited or very much restricted.

As to its physical equipment the Huntingdon Reformatory leaves nothing to be desired. The buildings are modern and sanitary, and within and without give evidence of the most scrupulous care; while the large farm, worked by the inmates, is a delight to the eye.

And for the present splendid condition of the institution and its enlightened and progressive management, full credit must be given to the General Superintendent, Mr. T. B. Patton, in charge since 1891, whose wise policies have had the sympathetic co-operation and support of his immediate associates in the institution, and of an intelligent Board of Managers. No one who knows Mr. Patton can fail to realize that he approaches his work with an ever-present consciousness of his responsibility before God for those committed to his charge. To such an extent does he feel this, and so great is his confidence in the saving power of the Gospel, that, in addition to the regular Lord's Day services by the Chaplain, he himself conducts a Bible Class with the men every Sunday evening. "The ultimate results of this labor of love," says Chaplain Forgeus in one of his reports, "may not be estimated until the revelations of the Book of Life are made known."

The State of Pennsylvania may well congratulate itself on having in the Industrial Reformatory a model institution of its kind.

THE WESTERN PENITENTIARY.

In 1911 the Legislature passed "an act providing for the selection and purchase, or the appropriation from the State forest reserves, of a tract of land and the erection thereon of buildings for the Western Penitentiary; making an appropriation therefor; authorizing the removal thereto of the inmates of the said Penitentiary, and directing the sale of the site now occupied by the said penitentiary and the buildings and materials thereon."



FORREST BUILDING
119 South Fourth Street, Philadelphia
Office of the Society, Rooms 11 and 12, First Floor

Under this act farm land aggregating 5200 acres was acquired in Centre County, several miles from Bellefonte, and here, on high ground, the buildings for the new Penitentiary are now in process of erection. It may well be doubted whether in all the world there is a more ideal location for a penal institution. Outdoor employment, pure air and water, nourishing food raised on the premises, magnificent views in every direction, together with buildings of the most modern sanitary type, will ultimately combine to furnish unsurpassed conditions for conducting the institution on the soundest reformatory principles. On so large and complete a scale is this new penitentiary projected that it may still take ten or more years to complete it. If the views of the present warden, Mr. John Francies, are carried out, the institution promises to be one of the model prisons of the world.

The visitors were perhaps somewhat strangely impressed by the fact that the only finished section in the buildings now under way is the apartment for the electrocution of persons sentenced to death. In other words, the first thing completed was the provision for *taking* life, and not for *renewing* life! Of course, as the laws of the State still demand a life for a life, this could not be otherwise. May the time come when this utterly useless procedure, so little in harmony with the spirit of the New Testament, will give way to a more rational method of dealing with those found guilty of murder.

J. F. OHL.

REMOVAL.

In 1896, when some city offices were removed from the buildings in State House Row to the new City Hall, The Pennsylvania Prison Society made application to use one of the vacated rooms for its headquarters. The City Council passed an ordinance granting the application, and so for more than twenty years the Society has had the privilege of using a room at the southwest corner of Fifth and Chestnut Streets on the ground floor of the building which under the administration of Washington was used for the offices and court-room of the Supreme Court of the United States.

Steps having been taken to restore the building to its original plan and to make use of the rooms as a repository for colonial and historical relics, in November, 1916, we removed from the comfortable quarters we had enjoyed for two decades by the kindness of the city authorities to the William Forrest Building at 119 South Fourth Street. We are grateful to Councils for the privileges we enjoyed, entirely realizing the right and the propriety of the city to resume possession and to dedicate the rooms to uses more in harmony with the historic interest inherent

in the buildings of Independence Square. We have moved one block to the east, and are on ground with title vested in certain Trustees since 1732. William Forrest, who obtained the land from certain parties to whom William Penn gave title, left some lots to Trustees who were authorized and directed to use the "rents and profits thereof" for benevolent purposes. We cordially invite all our members and friends to call upon us in our new home.

THE EASTERN PENITENTIARY.

"The Eighty-seventh Annual Report," a pamphlet of 78 pages, printed and bound at the prison. We are pleased to note that a shop for the manufacture of shoes for the use of inmates of other State institutions has been constructed and has been for some months in successful operation. Warden McKenty reports favorably of the work of "The Honor and Friendship Club," which is a voluntary organization to which a large majority of the convicts belong. They send aid to families of prisoners, and also to discharged prisoners who are temporarily distressed, furnish entertainments for the inmates of the institution and meet the burial expenses of their members who die in the institution and who have no means of their own or known relatives who can attend to this matter.

Number inmates December 31, 1915.....	1,545
Number inmates December 31, 1916.....	1,407
Average daily number in 1916.....	1,449

The Report of the Parole Officer, John W. McKenty, presents several interesting features and indicates that the general results will compare favorably with such work in other States:

Number applications for parole in 1916 to 1917..	2,041
Number applications granted in that time.....	1,851
Number returned for various causes.....	331
Number serving time in other prisons.....	39
Number absconded and lost to sight.....	143
—	513
Percentage of success.....	77
Number on parole December 31, 1916.....	788
Number of these reporting regularly.....	606
Percentage of the whole number giving satisfaction	77
Average yearly number of paroled prisoners com-	
mitting crime in six years.....	18

The percentage of the paroled known to commit crime is slightly over one-half of 1 per cent., or about six men of every thousand so released. It must be understood that most of these crimes were for minor offences.

Number returned in six years for drunkenness... 82

The daily per capita cost of maintenance is..... \$0.33

The School is in a flourishing condition, under the care of William M. Bonsall, ably assisted by some of the prisoners.

THE INDETERMINATE SENTENCE.

The Report of the Inspectors of the Eastern State Penitentiary presents some interesting features in connection with the indeterminate sentence as operated under the law of 1911.

December 31, 1916, the number of prisoners in this institution was	1,407
Number sentenced for life.....	30
Number with fixed sentences	86
Number with maximum and minimum sentences	1,291
	— 1,407

The study of these indeterminate sentences presents some curious features. Let us consider the sentences which provide for a maximum of twenty years:

The number of these altogether is	86
Number of these where minimum is nine-tenths or more of the maximum	38
Number where minimum is one-half the maximum	3
Number where minimum is one-quarter the maxi- mum	19

Let us consider the sentences which provide for a maximum of ten years:

Total number of such sentences.....	211
Number of these where minimum is nine-tenths or more of the maximum	8
Number where minimum is one-half the maximum	29
Number where the minimum is one-quarter the maximum	63

Note that nearly one-half of those whose maximum sentence is twenty years must serve for nine-tenths or more of the entire maximum. Ten of these must remain until within a month of twenty years. Their reward for satisfactory behavior and showing evidence of a reformed life is only a month or less out of twenty years.

Note that only one-twenty-sixth of those whose maximum is ten years must serve for nine-tenths or more of the maximum.

Nineteen of those sentenced to a maximum of twenty years have opportunity of parole when one-fourth of the maximum has been served. Sixty-three of those sentenced to a maximum of ten years may have same privilege when one-fourth of the maximum has been served.

The old commutation law to which there was little objection gave every convict who received a flat sentence of twenty years unconditional release at the end of twelve years and three months if his record was satisfactory. Under the present law, fifty-five of the eighty-six who have a maximum of twenty years must remain longer than under the former law of commutation for good behavior. Thirty-four of those whose maximum is ten years must remain longer than under the commutation law.

Percentage of the twenty-year maximum convicts	
worse off under commutation	64%
Percentage of the ten-year maximum convicts	
worse off under commutation.....	16%

We forbear other comparisons, which, according to Shakespeare, are odious.

We are perfectly willing to admit that to the individual Judge who pronounces sentence there may be good and sufficient reasons for his verdict, yet enough has been said to show that uniformity of decision is lacking in this Commonwealth and that some action should be taken to introduce some correlated method into this hodge-podge of judicial decisions.

FINES.

We have long been convinced that a punishment for non-payment of fines and costs is a penalty for poverty. Imprisonment for failure to pay such charges is a species of imprisonment for debt, though not so recognized by the Courts. It is not only an injustice to the offender, but it imposes upon the community an additional expense for which there is not the slightest reparation. Let us illustrate. A and B are each fined the sum of \$50.00. A, or his friends, pay over to the Court the amount of the fine, and A is at once released. B cannot produce the money. He may be detained fifty or ninety days in prison. He is no more a menace to the community than A. He is penalized on account of his poverty, not for his crime. The State loses the \$50.00 and also the expense of detaining the prisoner, often for ninety days. The worst feature of this confinement is that he is generally absolutely idle. If during his incarceration he could have opportunity to perform some actual service to the county, so that by his earnings he could satisfy the claims of the county, such confinement might be regarded as rational.

Hence we are urging that the Legislature provide that all those who are detained merely for non-payment of fines and costs may at the discretion of the Court be discharged on parole and be allowed to pay such charges by instalments. The county would be relieved from the expense of maintaining such prisoners and would actually receive more money. It would have a double profit over the present illogical system.

We have used the phrase "at the discretion of the Court" for obvious reasons. There are many offences punished by fine only, and it is not intended that the offender may escape all punishment. But when the offence is punishable by both imprisonment and fine, it seems to us that in such cases the fine should be worked out in some kind of actual service for the county or that such prisoner should be released on condition of paying the charges by instalments. As an illustration of offences for which the prescribed penalty is a fine only, we call attention to the laws regulating the hunting and killing of game. In the hunting season for hunting deer, lasting one month, the hunter is allowed to kill but one animal. If he kills more than one deer, he is subject to a fine of \$100.00 for each animal killed in excess of the number allowed by law. In this case the fine is a deterrent factor, but should the offender be excused on the plea of insolvency,

even if he should agree to pay the fine by instalments, he could continue violation of the game laws with practical impunity. Hence the State has provided that for such offences the offender, in default of payment of the fine, must remain in prison for as many days as there are dollars of the fine. The game is protected on the one hand by a fine so large as to be almost prohibitive, and on the other hand by keeping the poacher away from the herd. Hence, it seems wise to allow the Court to decide whether the circumstances warrant release on agreement to pay the fine in instalments.

But in a large majority of instances of imprisonment for non-payment of fines and costs, we are sure that the instalment plan will work to the advantage both of the community and of the individual.

PENALTIES PRESCRIBED BY THE VARIOUS STATES FOR NON-PAYMENT OF FINES AND COSTS.

A study of the practice in forty-one of the forty-eight States shows that the Commonwealth of Pennsylvania is almost unique in its adherence to obsolete custom.

At least thirty-seven of the forty-two States whose regulations on this subject have been ascertained, definitely prescribe hard labor or employment for such prisoners. Twenty-seven States fix the amount which is to be credited to the prisoner for each day's labor. Nine States allow the compensation to be determined by the officials. The amount of compensation varies from 30 cents to \$2.00 per day. If there is no employment, the penalty varies. In Vermont such prisoner is imprisoned three days for each \$1.00 of fine; in Texas he is detained one day for each \$3.00 of fine. Hence in Vermont, for non-payment of a fine of \$15.00, the prisoner would be detained for forty-five days; in Texas for the same fine he would be held for five days. A number of States detain one day for each dollar of fine in case there is no suitable employment. But this Commonwealth with its statute of the vintage of 1836, prescribing imprisonment of thirty days if fine is \$15.00 or less, and ninety days if fine is more than \$15.00, with no provision for working out the fine, or for release on agreement to pay said fine on the instalment plan (except for a few first offenders), stands alone. The statute is practically unobserved, a formula unused and forgotten. Hence, the passage of an Act providing at the discretion of the Court for release of prisoners held for non-payment of fines and costs on condition of settling such charges by instalments would be equitable and far more profitable to all parties concerned, and would establish a precedent to be followed by every State in the Union.

The following compilation on the subject of fines and costs has been derived from various sources:

Alabama.—For costs of conviction, a sentence not to exceed ten months at hard labor may be imposed. "The court must determine the time to work out said costs at the rate of forty cents per day." Hard labor includes labor on the public roads, public bridges, and other public work in the county.

Arizona.—A prisoner who is sentenced to pay a fine, and to be committed until paid, shall be employed at hard labor, and shall be allowed the sum of one dollar for each day's labor till fine is paid, when prisoner may be discharged. Such prisoners may be employed on any of the public avenues, streets, highways or other works, "where the same will not in any manner or form conflict with free labor."

Arkansas.—"Each prisoner worked . . . shall be credited with the sum of seventy-five cents, on the fine and costs adjudged against him, for every full day's labor. . . ." The labor is on public works and in some instances, convicts may be employed by individuals or companies. If the prisoner boards himself, he is credited with one dollar per day.

California.—"A judgment that a defendant pay a fine may also direct that he be imprisoned until the fine is satisfied," the time not to exceed one day for each \$2.00 of the fine, nor to exceed the term for which he is sentenced for the offence committed.

Colorado.—Prisoners sentenced to pay fine and costs, or either, shall be employed at hard labor and allowed the sum of one dollar for each day's labor. Labor is on public works.

Connecticut.—Prisoners held for fine or costs, or both, may be discharged when the labor of such person at the rate of one dollar a day shall amount to said fine and costs, but may not be detained more than four months.

Florida.—Every convict shall be entitled to receive, together with subsistence, a credit at the rate of thirty cents per diem on account of fines and costs adjudged against him. All prisoners in county jails are to be employed at "hard labor."

Georgia.—According to a statute of 1911, it appears that a person who does not pay his fine is liable to be sentenced to work in the chain gang on the public roads.

Idaho.—For non-payment of fine, the prisoner may be confined in the county jail at rate of \$2.00 per day until the fine imposed is satisfied.

Illinois.—Prisoner must work out costs and fines on public works at rate of \$1.50 per day.

Indiana.—Persons held for non-payment of fines and costs shall work about the workhouse or on streets, etc., and shall be credited with \$1.00 for each day's work. In case of no employment, such prisoner shall be imprisoned one day for each dollar of such charges.

Iowa.—Every able-bodied person held for fine and costs shall be credited with \$1.50 for each day's labor. The work is to be done about the prison or at public works. An invalid held for the same reason may be discharged by a plea of insolvency.

Kansas.—By code of 1911, county commissioners may "properly shackle and work" . . . every male prisoner committed to the jail of their respective counties for failing to pay fine and costs . . . The labor is on public works, and the prisoners are allowed \$1.00 per day, but, if the prisoner prefer, the county commissioners may allow a certain specified sum per cubic yard for breaking stone.

Kentucky.—The defendant shall work at hard labor at the rate of \$1.00 per day until the fine is paid. The work is for the institution or for the county.

Louisiana.—In order to pay costs, fines and fees, prisoners from 18 to 55 years of age may be hired out to work on highways and other public works and the wages may be from \$5.00 to \$15.00 per month. Other prisoners may receive from \$2.00 to \$10.00 per month. No such convict may be detained longer than two years. For some offences the fine may be worked out at rate of \$1.00 per day.

Michigan.—Convicts committed for non-payment of fines shall be allowed the amount obtained for their labor, less the cost of their support. Such prisoners confined in the city jails may be kept at hard labor subject to such regulations as the city council may ordain.

Minnesota.—"For each day's labor the prisoner shall be credited with \$1.50 on any judgment for fines and costs." Labor may be on county farms or on highways.

Missouri.—Fines may be worked out at rate of \$1.00 per day. The work is on highways, and in quarries.

Montana.—For non-payment of fine and costs, the prisoner may be released "upon his having been confined in jail one day for each \$2.00 of such fine and costs."

Nebraska.—Prisoners may work out costs and fines at rate of \$2.00 per day. They may work on county or municipal farms, in stone quarries, or in public undertakings.

Nevada.—For non-payment of fine and costs, the district court may confine the person in jail at rate of one day for each \$2.00 of the charges. All prisoners in county jails are required to be employed on public works.

New Hampshire.—Convicts committed in default of payment of fines shall be allowed the amount obtained for their labor, less the cost of their support.

New Jersey.—"When judgment is given in any of the courts of the State for fine or imprisonment, with or without costs, it shall be lawful to place the defendant against whom such judgment shall be rendered at labor in any county, jail or penitentiary, until fine and costs are paid by the proceeds of such labor."

New Mexico.—"The convict shall remain in confinement until all the costs attending the prosecution shall be paid and his sentence fully complied with; and, if such convict shall not discharge and satisfy the fine and costs, it shall be lawful for the sheriff . . . if the district judge of that county shall so direct, to bind such convict to labor, for any term not exceeding five years, to any person, who will pay such fine and costs." If not employed, such prisoner may be detained at rate of \$1.00 per day till such charges are satisfied.

New York.—All prisoners (in counties) are "to be constantly employed at hard labor when practicable." We have found no special data pertaining to those who are detained in default of payment of fines.

North Carolina.—"There may be worked on the public roads . . . insolvents who shall be imprisoned . . . for non-payment of costs in criminal cases . . . until they shall have repaid the county to the extent of the half fees charged up against the county for each person taking the insolvent oath." Persons fined in incorporated towns may work on the streets or other public works until, at fair rates of wages, such person shall have worked out the full amount of the judgment and all costs of the prosecution. "No woman shall be worked on the streets."

North Dakota.—"For every day's labor performed by any convict . . . there shall be credited on any judgment for fine and costs the sum of \$2.00." The labor is for the public account either with or within the walls.

Ohio.—The prisoner may work out his fine and costs at rate of \$1.50 per day. No imprisonment for non-payment of fines or costs shall exceed six months. If not employed, prisoner may be detained at rate of 60 cents per day, till the fine is satisfied.

Oklahoma.—The payment of the fine, and also the fees and costs, "shall be enforced by imprisonment until the same shall be satisfied, at a rate of \$1.00 per day of such fees and costs, or fine, or both, whether the defendant shall perform labor on the public road or highway, or remain in prison."

Oregon.—Prisoners may work out the fine at the rate of \$2.00 per day. The labor is on roads or may be any work of a "public nature."

Pennsylvania.—Variant practice by the counties. By law of 1836 prisoners detained for a fine of \$15.00 or less be held for thirty days; if the fine is over \$15.00, he shall be held ninety days. In either case the prisoner by the plea of insolvency may secure release at the expiration of the time designated. With regard to costs, there is slight conflict in decisions, but there is general agreement that at least thirty days' imprisonment can be imposed for non-payment of costs. By statute of 1909 first offenders may be allowed to pay the fine by instalments. Prisoners in the county jail may be required to work about the public buildings or grounds, or in making articles for use in public institutions, or on the highways at 25 cents per day, the latter employment being entirely voluntary on the part of the prisoner. More than one-half of the prisoners in the county jails are unemployed.

Rhode Island.—Every person who shall be detained in jail for the non-payment of fine and costs . . . shall be allowed by the State 50 cents per day for the first thirty days and \$1.00 per day for every day after said thirty days, that he shall labor, toward the payment of his fine and costs.

South Dakota.—"For every day's labor performed by any convict . . . there shall be credited on any judgment for fines and costs against him the sum of \$2.00."

Tennessee.—Each prisoner confined for a failure to pay his fine and costs shall be credited at the rate of 40 cents for each day of actual work of ten hours:

Texas.—"When a convict has been committed to jail in default of payment of fine and costs is required to do manual labor, he shall be credited upon such fine and costs at the rate of 50 cents for each day he may labor." Such work shall be performed on public streets or roads, or on county poor farms. The maximum limit of sentence for non-payment is six months. If there is no employment, the prisoner may be detained at least one-third as many days as dollars in the fine.

Utah.—For non-payment of fine the person may be "imprisoned until the fine is satisfied," the time not to exceed "one day for every \$1.00 of the fine." The prisoners in county jails are to be employed on public works.

Vermont.—A person detained for default in payment of fine may be discharged when he has been imprisoned three times as many days as there were dollars in the fine.

Virginia.—"Any person sentenced to work on the public roads until fine or costs be paid shall be allowed a credit upon such fine or costs of 50 cents per day for such days as he shall labor on the public road. . . ." No person shall be held to labor in any chain gang for non-payment of a fine for a longer period than six months.

Washington.—A person sentenced to a term of imprisonment in default of a fine or costs may be compelled to work eight hours each day of

such term in and about the county buildings, public roads, streets and grounds, "and to wear an ordinary ball and chain while performing such labor."

West Virginia.—When any male person is imprisoned for non-payment of fine and costs, the county court of the county may order him to work on the county roads, or on streets and alleys of an incorporated town or city. If deemed necessary the court "shall order a ball and chain to be attached to his person for such purpose." He is allowed to work out his fine at the rate of \$1.00 per day.

Wisconsin.—Persons detained for non-payment of fine and costs may be sentenced to hard labor. The labor is to be appropriate to the sex and physical condition of the convict. The rules with regard to the hours, wages, etc., are under the direction of the county board.

Wyoming.—"In the event of a prisoner being sentenced to pay a fine and costs . . . the court may direct that in case of non-payment of said fine and costs, the defendant may be put to work, either within or without the prison, until such fine and costs be paid." For violation of a city ordinance the fine may be worked out at rate of \$1.50 per day. For those misdemeanors over which the justice of the peace has jurisdiction, the person may work out the fine on public improvements at rate of \$1.00 per day.

THE FINE SYSTEM.

Published by the Committee on Philanthropic Labor and to be obtained at their office, 150 North Thirteenth Street, Philadelphia.

We desire to call attention to a pamphlet on "The Fine System," recently prepared by John E. Orchard, under the direction of Prof. Robinson, of Swarthmore.

The origin and history of the practice of the payment of fines is treated and a valuable bibliography is appended. Nearly all offences some centuries ago could be satisfied by a money payment. In case the fine was not paid, the offender might be sold into slavery, thus realizing a sum for the satisfaction of the sum amerced.

Imprisonment for crime was a later development. The legal records in the Colony and later in the Commonwealth of Pennsylvania indicate that in earlier times the person who could not pay his fine was regarded as a common debtor, and was detained as such in the wretched debtors' prisons of the seventeenth and eighteenth centuries. By a system of evolution, we have now come to regard imprisonment for non-payment of fine as a sort of penalty. The authors of the pamphlet urge that an additional step should be taken by releasing such prisoners on parole with the agreement that the charges are to be paid on the instalment method. They cite the practice in Massachusetts and in the State of New York, also in three municipalities of the country, as plainly showing that the instalment plan for the payment of fines has had very successful results.

In the five years ending in 1913, more than \$150,000.00 had been paid in fines and turned into the treasury of the Commonwealth of Massachusetts. In the State of New York, the plan has not been developed so efficiently. Only \$25,000.00 had been collected in five years. The amount collected in 1909 was \$814.75, and in 1913 the amount was \$13,672.22, showing an encouraging growth in receipts.

The municipality of Buffalo, N. Y., in 1915 placed 759 persons on probation who signed an agreement to pay fines totaling \$12,953.75. The amount collected was \$10,764.50.

In Indianapolis, during four years, 3832 offenders had the privilege of paying fines in instalments. Of these, 3220 had settled in full.

Kansas City reports that in fifteen months, by the release of 356 persons to pay fines in instalments, the city was the gainer by more than \$16,000.00.

These few instances are conclusive proofs of the value of the instalment plan of paying fines and costs.

It is possible that one statement of this pamphlet relative to the Probation Act of 1909 in Pennsylvania may be misunderstood. In the case of certain classes of first offenders where a fine only is imposed, the Court may release such offender who agrees to pay the charges on instalments.

The Probation Officer in Philadelphia County, Mr. E. M. Hackney, has the oversight of a number of persons who have thus been released. It is probable that under this law wherever it may be enforced in the State, certain first offenders have been released with an injunction to pay their fines by instalments. But so far as we have been informed in only one county of the Commonwealth of Pennsylvania, Somerset County, have the prisoners generally, who were detained for non-payment of fines, been released with the understanding that the fine would be satisfied by a system of partial payments.

It should be mentioned that in Pennsylvania the penalty for non-payment of fine is prescribed by an old act of 1836, which explicitly states that such defendant may be released at the end of ninety days if the fine is over \$15.00, and at the end of thirty days if the fine is \$15.00, or less. Said release is to be obtained by a plea of insolvency on the part of the prisoner.

In 1887 a law was passed which in brief authorizes the County Commissioners to discharge such prisoners, when they have served the time specified in the law of 1836, without delay or expense of insolvent proceedings. The practice in the counties of Pennsylvania shows many variations from the law of 1836. In 1914 less than ten counties of the State were proceeding

strictly under the provisions of this Act. Such prisoners were being detained in other counties from no time whatever to 180 days.

The authors of this pamphlet have discharged a real service to the cause of Prison Reform. They have summarized the advantages of the instalment method of paying fines by quoting from a bulletin prepared by the Municipal Library of Chicago.

1. It permits a person who is poor to pay his fine in amounts adjusted to his financial circumstances.

2. It prevents imprisonment on account of poverty.

3. Reduces the suffering liable to fall upon the dependents of the defendant.

4. It gives the offender the opportunity to earn his fine by honest labor.

5. The public revenues are greatly increased.

6. The number of prisoners and cost of their maintenance are reduced.

7. It gives to the defendant the friendly aid and influence of the Probation Officer.

IMPRISONMENT FOR NON-PAYMENT OF FINES AND COSTS.

SAMUEL ROSENBAUM.

1. It is the practice in most counties of Pennsylvania to commit to jail persons who have been sentenced to pay a fine and who fail to pay the fine, irrespective of the reasons for non-payment. As work is provided in only a few of the jails, the effect is to make the prisoner less able to pay than he was before, and to add both his upkeep and probably that of his destitute family to the expense of the county. After a certain term of imprisonment the prisoner's release can be effected under the insolvent laws, without payment of the fine.

2. The authority under which persons are imprisoned who fail to pay fines is found to proceed from three sources:

- (a) Many Acts of Assembly forbidding the commission of certain offenses prescribe the penalty of a fine, and expressly enact that in case of non-payment the defendant should be committed to jail for a certain time stated in the Act, or until the fine is paid. Examples of such Acts are laws pertaining to Sunday laws, cruelty to animals, malicious mischief to ice ponds, adulteration and sale of impure milk; employment of minor children; malicious mischief to crops, gardens, etc., disorderly conduct in court houses, jails, etc., registration of births, marriages and

deaths, health regulation in cities, disorderly conduct in public places, selling milk without a license; disorderly conduct in railroad cars; health regulations in cities.

(b) The Acts of Assembly conferring powers upon cities and boroughs include powers to impose fines for the violation of city and borough ordinances and expressly confer the power to commit to jail defendants who fail to pay such fines.

(c) But apart from such express enactments there is a common-law power to commit a defendant for non-payment of a fine. "Under the common-law practice wherever a court has power to impose a fine, it has power to compel the payment thereof by imprisonment of the party fined, and where the punishment for the offense is a fine and defendant is present in court at the time of sentence, it is a part of the sentence that he stand committed until the fine is paid." C. J. Blatchford, reviewing the authorities, said: "It has always been held that where a statute authorizes or prescribes the infliction of a fine . . . It is lawful for the Court inflicting the fine to direct that the party stand committed until the fine is paid, although there be no specific affirmative grant of power in the statute to make such direction." No express statement on this point has been discovered in a hasty review of the Pennsylvania decisions.

3. Once committed the defendant is released (a) by paying the fine, (b) after serving the time fixed, if any, in the Act under which the fine is imposed, or (c) by taking the benefit of the insolvent laws. The latter are:

(1) June 16, 1836 (P. L. 729), s. 47, providing that if the fine is over \$15.00 the defendant may obtain his release after serving three months (in addition to any term of imprisonment imposed by the sentence in addition to the fine), by making an application under the Act of 1836 to be declared insolvent.

(2) June 16, 1836 (P. L. 729), s. 48, providing that if the fine is \$15.00 or less the defendant may obtain his release after serving thirty days, under the same conditions.

(3) May 6, 1887 (P. L. 86), providing that the County Commissioners may obtain the discharge of prisoners held for non-payment of fines. But it has been held that this Act does not authorize the release of a prisoner before he has served the time required by Sections 47 and 48 of the Act of 1836. The Act is intended as a relief to the county where it does not wish to keep up the expense of maintaining the prisoner.

4. As to costs: The Penal Code provides: "In all cases of conviction of any crime, all costs shall be paid by the party convicted." "But," to quote Rice, "the authority for imprisoning the defendant for costs rests not on this legal liability, but on the sentence of the court," and it is the uniform practice to include the costs in the sentence and commitment. The power to commit

for non-payment of costs has been declared by C. J. Gibson to be regarded in Pennsylvania as incident to the power to sentence, although there is no express statutory authority for power to commit.

5. If, in a prosecution other than for felony, the defendant is acquitted, the jury may nevertheless determine that the defendant should pay the costs, and if it does so the Court must forthwith pass sentence to that effect and order him to be committed to the jail of the county until the costs are paid, unless he gives security for payment.

6. The provisions of the insolvent laws apply to the discharge of prisoners detained for non-payment of costs as well as to the discharge of those detained for non-payment of fines, although there is some conflict in the decisions in different counties as to whether or not Section 47 requires imprisonment for three months if the costs exceed \$15.00. It is, however, generally agreed that at least thirty days' imprisonment can be imposed for non-payment of costs.

7. The Act of May 10, 1909 (P. L. 495) provides that first offenders who are sentenced only to pay a fine may be released on probation and permitted to pay the fine by instalments. The Act does not apply to:

- (a) others than first offenders,
- (b) those sentenced to fine and imprisonment, and
- (c) liability to imprisonment for non-payment of costs.

PRISON LABOR COMMISSION.

The report of this Commission to the Governor sets forth that "while the purchases of a few institutions have been liberal, the responses from the majority have been disappointing, your Commission is hopeful that as it becomes better acquainted with the needs of the various State Boards and as they in turn become accustomed to the changed conditions, this trade will assume much larger proportions, to the mutual satisfaction of all concerned. The shoe industry promises to be a successful one—a very good start having been made in the last six months."

One of the difficulties experienced in establishing trade has been instanced by the fact that, instead of the seven standard styles of shoes selected, it was found necessary to make twenty-five different kinds of shoes for eight of the State institutions.

An amendment to the act of 1915 is recommended requiring the several State institutions to purchase such materials and supplies from the Commission as are available for sale at a price not to exceed that of the open market and another permitting prisoners to draw their wages of from 10 to 50 cents per day for their present needs and making the balance of wages due them payable on their discharge.

SOME RECENT BOOKS AND PUBLICATIONS

SOCIETY AND PRISONS.

By Thomas Mott Osborne, late Warden of the New York State Prison at Sing Sing. Price, \$1.35 net. Yale University Press. New Haven, Conn.

A series of five lectures delivered in 1916 at Yale College.

Just now we are all interested in the work and theories of Mr. Osborne, who has the advantage of a felicitous style in presenting his views.

Lecture I. An attempt to define Crime and Criminals. He makes a clear distinction between sin and crime. There are many instances of treachery, neglect, defamation, which are heinous and mischievous sins, and yet there is committed no crime which the law can touch. The biblical definition of crime found in the book of Job, "an iniquity to be punished by the judges," is a condensed definition which conforms to our modern ideas. He is disinclined to accept any theories of classification, and scouts Lombroso's notion of a "criminal type." He has associated much with the men known as criminals and has found among them good, bad and indifferent, just as he has found human beings outside of the prisons.

Lecture II. Some abuses of the Courts emphasized. The injustice of our systems pointed out. Arbitrary distinctions ridiculed. "Petty larceny is a misdemeanor, grand larceny a felony; yet the difference in some States is only one cent, \$50.00 being the dividing line." Again what may be a misdemeanor at 5.59 P. M. becomes a felony at 6 P. M. He advocates the indeterminate sentence as the best remedy for crime, inasmuch as it is clearly impossible for the most astute judge to decide when the culprit may be ready to re-enter the community, or to fit a period of time to the crime. According to his way of thinking, it would be the part of the judge to decide whether the accused person is guilty of the alleged crime. If found guilty, the prisoner is to be confined and placed under the care of special officials or a Board who may release him when he has proved that he is ready to become serviceable, instead of dangerous to the community. This plan involves a high grade of prison officials and a scientific parole board.

Lecture III. Devoted to the old prison systems and to his famed experience of one week as an inmate of the Auburn Prison. He utterly condemns the so-called "Philadelphia System" of solitary confinement, and has no kind words for the "Auburn System" of congregate employment by day, though in silence, and solitary confinement at night. From 1830 to 1870 books and pamphlets on penology were full of controversy with regard to

the merits or demerits of the systems referred to above. All this is interesting merely as history. What was known as the "Philadelphia System" is obsolete in almost every prison of Pennsylvania. At the Eastern Penitentiary at Philadelphia where this system was supposed to have been established, they work together with no restriction on conversation, they spend hours in groups about the grounds, they enjoy outdoor sports in season. There are some who from preference or for some good reason are confined in single cells, but these have their times of recreation. But the plan in vogue at Auburn in those early days with some modifications extended to all parts of the country. The tendency of later times is to remove the restrictions on conversation. In Pennsylvania, where there prevails such an astonishing amount of idleness in the county jails, it is a debatable question whether the old system of solitary confinement is not preferable to idle association where lessons in crime are learned and where the conversation is so often unspeakably profane and shameful. We know of but one prison in Pennsylvania where the system of solitary confinement has retained its hold, and even at this institution there are many deviations from the strictness of the old régime.

In this lecture, Mr. Osborne gave a summary of his incarceration as a prisoner for a week in the Auburn Prison—an experience which he has presented in detail in his book, "Within Prison Walls." Whatever may be said as to his system as a whole, he has brought about a revolution in the discipline of the New York State Prisons. Never again will the prison officials revert to the horrors of the old method. Without that experience Mr. Osborne states that he never could have helped the prisoners to formulate the rules which in so many ways have proved beneficial to the prisoners at Auburn.

Lecture IV. Organization of The Mutual Welfare League. This was an experiment in self-government, the prisoners being allowed to make and enforce the regulations for their own conduct. Some counts in the indictment against the old system were these:

1. Confinement of from fourteen to sixteen hours in their small cells; on Sabbath the whole day.
2. The inefficient labor.
3. The enforcement of silence.
4. Petty rules about turning the head or eyes.
5. The intense monotony of the daily program.
6. Constant espionage.
7. The system of "stool pigeons," who had unlimited opportunity for talebearing and detraction.
8. Brutality which accompanies such a system.

9. Loss of initiative, the men being forced into the position of dumb driven cattle. Imagine, if you can, how men will deteriorate after being treated for years as animals.

How the men organized the League, learned to think for themselves, to assume the initiative, look like human beings, gauge their daily conduct by the same rules as their fellows outside the walls, is well portrayed by the lecturer. Where there were once despair, debasement, torture, now there are hope, self-respect, a gleam of sunshine. More and better work was accomplished, the number of penalties for misconduct was reduced to an insignificant list.

Lecture V. Principles of Mr. Osborne's system, and contrast with other systems. He asserts that the "Philadelphia Plan" and the "Auburn System" had completely failed. He does not have confidence in the so-called "Honor System." Mr. Osborne was appointed Warden of the Sing Sing Prison in 1914, and soon inaugurated self-government among the inmates with some minor improvements on what had been successfully tried at Auburn. The results both at Auburn and Sing Sing show conclusively to the author that *the thing works*.

It appears to us that any system, based partially or wholly on the honor of the prisoners, involves a degree of self-government. Mr. Osborne clearly states that a considerable measure of self-government belongs to his system, not that the government is *entirely* in the hands of the prisoners. Some of the features of the system which he introduced at Auburn and Sing Sing have been found for years in other States. The change came with such suddenness at Auburn that universal attention was aroused. Quite a number of wardens throughout the nation are gradually introducing improved methods of dealing with the convict. There are many organizations among prisoners with more or less participation in the government allowed. The difference is in degree rather than in principle, and it seems to us that all these efforts have steadily in view the preparation of the convicts for the "duties of Christian citizenship."

We have very great admiration for Mr. Osborne and for that splendid personality which has transformed so many unfortunate human lives, but we venture to express the hope that he may have more charity and sympathy for others who have been and are working with all the energy they possess and according to the best light afforded them with the same end in view—namely, the betterment of the wards of the State who have been entrusted to their care.

We commend this book to all readers whether interested in these problems or not. It is replete with wit, epigram, anecdote, illustration, from beginning to end.

SOCIETY'S MISFITS.

By Madeleine Z. Doty. 265 pp. Illustrated. The Century Co., N. Y. Price \$1.25.

An absorbingly interesting human document with tangible proof of woman's inhumanity. The first hundred pages deal with her week in the female department of Auburn Prison in which she and a companion spent seven long days as convicts. Their experience was similar to Mr. Osborne's, except that it was more genuine, since the matrons and keepers were unaware that they were "fake" convicts. Naturally they did not enjoy the incident. They were subject to the petty rules, to the tyranny, the degrading exactions of an old-time prison. They exposed the brutality of it all, and proved the utter lack of any reformatory influence. The result was the formation of an organization called "The Daily Endeavor League." The women were much happier for a time, but the head matron and the keepers were out of sympathy with the "new-fangled fads," so the League disbanded until such a time when officials will be chosen with a friendly and even motherly interest in these erring girls.

The remainder of this readable volume is devoted to reformatories which do not reform.

The story of one reformatory boy, known as "Happy Jack," who was eventually electrocuted on doubtful evidence, ought to make the advocates of judicial murder shrink shudderingly from ever again assuming such a gruesome responsibility.

The last chapter, however, presents a delightful account of the "Little Commonwealth" in Dorsetshire, England, where there has been founded under an American superintendent a model reformatory institution for erring lads and lasses.

PRISON REFORM.

By Corinne Bacon. Published by H. W. Wilson Co., White Plains, N. Y. Price \$1.25. 1917.

The purpose of this volume is to trace the progress of Prison Reform, and to bring the results down to date. It is a compilation of over 90 articles by students and experts covering almost the entire field of penology. The subject of capital punishment is not treated, neither do the movements and agencies for the care of the discharged prisoner receive attention. In addition to the 300 pages devoted to the various aspects of reform within the walls, there is a valuable bibliography of 24 pages, listing books, pamphlets, reports, periodicals and many articles dealing with the general subject. Considerable space is devoted to the reforms introduced in the New York prisons by Mr. Thos. Mott Osborne. His theories are presented, and the results are

fully portrayed, but the political controversies in connection with his administration are wisely omitted.

We take pleasure in commending this book to all students and readers of penological problems.

ADMINISTRATION OF INDIANA STATE INSTITUTIONS.

By Timothy Nicholson, of Richmond, Ind., former member of the State Board of Charities. October, 1916.

A pamphlet of twenty pages, presenting strong arguments in opposition to the appointment of a small State Board, salaried, which should have complete control of the nineteen charitable and correctional institutions of the State. It is pointed out that it would be practically impossible for such a small body to give adequate attention to nineteen large institutions. Political considerations would generally govern the appointments on such a Board more than natural qualifications for this highly responsible position. This Board would also appoint the officials in the various institutions, and thus the debasing effects of partisanship would permeate the entire system of public institutions. Wherever tried, the expenses connected with a State Board have been enormous. The author recommends a State Board of reputable citizens serving without salary, traveling expenses only being paid, who are to employ a Secretary. Each institution is to have its own Board, which can give close attention to the needs of said institution. The function of the State Board is advisory, and in all important undertakings is to be consulted by the Managers of the various institutions.

The document is an able contribution on this subject, and its array of facts and arguments should receive careful attention from all citizens who are interested in contemplated changes in the methods of State administration of public institutions.

CAPITAL PUNISHMENT.

SAMUEL W. McCALL.

A SPECIAL MESSAGE TO THE LEGISLATURE OF MASSACHUSETTS,
MARCH 29, 1916.

To the Honorable Senate and House of Representatives:

It has come to my attention that there is now before your honorable bodies a measure which seeks to abolish capital punishment. While the arguments on this long-debated question have been stated many times, without intending to repeat them here, I deem it my duty not to let the opportunity pass without urging the subject upon your attention and asking for it that serious consideration which its gravity deserves.

The death penalty is one of the most ancient of punishments, and it has been used for many crimes. In Great Britain in the year 1800 there were nearly 200 capital crimes, and some of them the most trivial offenses, "such as cutting a tree or poaching a deer." Since the early part of the nineteenth century the number of crimes for which the death penalty was inflicted has become steadily less, and when the increase in population is considered there is nothing to show that the committing of those crimes previously punishable by death has increased. In many of the countries in Europe the death penalty has been entirely abolished for all crimes, and this is also true of eleven of the States of the Union. It was substantially abolished in Italy in 1786, in Rumania in 1870. For the reason that it is rarely enforced it is practically abolished in Tuscany, Belgium, Finland, Prussia and Denmark, and but rarely enforced in Switzerland, Austria and Russia. The State of Michigan was the first to abolish the death penalty in the United States, which it did in 1846, and Wisconsin abolished it in 1853, neither of these States ever having restored it. The State of Maine abolished it in 1876, but restored it in 1883, but again in 1887 abolished it. Although the State of Kansas did not legally abolish it until 1907, it has practically been abolished since 1872. Rhode Island abolished capital punishment in 1852 and restored it in 1882 only in cases of murder committed by a life convict. In 1911 the Philippine Islands and the State of Minnesota legally abolished it, and in 1913 the State of Washington, followed in 1914 by the State of Oregon, and in 1915 by the States of North Dakota and South Dakota. There are but fourteen States, including Massachusetts, that have death as the only punishment for murder in the first degree, twenty-three other

States leaving optional either death or life imprisonment. In the majority of the States murder is the only crime for which the death penalty is inflicted, although some of the States make three other capital offenses. In the States that have abolished capital punishment and have afterward restored it, there is no evidence that the change has any effect in lessening crime. In many of the States that already have three or four offenses for which capital punishment is inflicted there are many cases of lynchings. The Federal Government has reduced the number of crimes punishable by death to three, these being treason against the United States, piracy and murder within the Federal jurisdiction, while before 1894 the capital offenses were twenty-five under the military code, twenty-two under the naval code and seventeen under the penal code. It is thus shown that the tendency is toward the entire abolition of the death penalty. Governor Long during his service called attention to this measure in each of two inaugural addresses, and his words are worth recalling. He said in his first message:

"It is an outrage on human sensibilities; it is out of accord with the spirit of the age; it has undoubtedly in many cases induced juries to acquit men who, although really guilty of murder in the first degree, have thus gone unpunished, and nothing can justify it but the conviction which is in the public mind, and which I admit affects my own mind very differently the moment I look at the matter under a sense of official responsibility, that the dread of this extreme penalty is a safeguard to life."

And in his second address:

"The pretence of insanity will not then succeed, as it now too often does. Should you abolish the death penalty you might substitute for it the severest form of punishment."

It is said that Frederick the Great, who was certainly a severe disciplinarian in military matters, would not allow capital punishment under the civil law.

Abraham Lincoln, as is well known, was strongly opposed to its use even in the army.

A PROFITABLE PRISON.

Several years ago the tremendous demand for binder twine by the farmers of Minnesota gave to Henry Wolfer, the then Warden of the State Prison at Stillwater, the idea of utilizing the waste energy of his prisoners for the supplying of the local need. His argument, that he could supply this need and at the same time make the prison self-supporting, appealed to the hard-headed legislature composed mostly of farmers, and he was told to go ahead.

From that beginning, made not very many years ago, the business grew until the report of the year ending July 31, 1916, shows the enormous output and sales total of \$2,750,000, including 23,000,000 pounds of twine and 16,147 pieces of agricultural machinery. This volume of business not only made an institution with an average population of 1019 entirely self-supporting, but earned for the state treasury a net \$380,827.36 after all charges for depreciation, interest, etc., usual in any well-conducted business, had been deducted, and, what is most important for our present purpose, after \$49,361.70 had been placed to the credit of inmates and \$152,154.68 had been paid to the fund for the support of families dependent upon inmates. Mr. Wolfer may well be proud of this record of the child of his imagination.

Mr. Wolfer has resigned and the work of carrying on the great industries fell to C. S. Reed, whose attitude is well expressed in that paragraph of his report in which he says: "Our aim is to reduce to the minimum the unnecessary failures, and let us remember that the success of any correctional institution is not measured by dollars and cents, nor by any extravagant claims of success, but by the lessening of the number of human wrecks found in the wake of its administration." And who dares say but that the man going out from such an institution as this, with the experience of having been a part of a self-sustaining, profitable industry, with the tangible results of honest labor merrily jingling in his pockets, is far more sure to go straight and to labor industriously than he who leaves behind years of "making little ones out of big ones," or of labor, the results of which went to fatten the bank roll of some unknown contractor for his unwilling toil?

THE AMERICAN PRISON ASSOCIATION.

The sessions of the American Prison Association for 1916 were held at Buffalo, N. Y., in the early part of October, and were characterized by good attendance, deep interest and practical common-sense treatment of the various questions presented.

There were 300 delegates outside of New York State. Including the 128 delegates from New York, the total number was 428, probably the largest registration in the history of the Association.

There were fourteen from Canada, two from Cuba and one from China.

Thirty-three States were represented and also the District of Columbia and the Philippine Islands. At this conference, Pennsylvania had no reason to be ashamed of its delegation either as to its size or quality. Outside of New York, the largest delegation was from Massachusetts, the second in size was from New Jersey, and Pennsylvania with twenty-five registered delegates came next.

The presiding officer was Warden Pratt, of Utah, who struck the keynote of the meetings when, in his opening address he said: "The greatest and most effective reform is the one that will tend to uplift the man; that will educate him and help him to control himself; that will strengthen his moral force and give him power to resist temptation and wrong."

STATE-USE SYSTEM.

James M. Carter, Superintendent of Prisons in the State of New York, mentioned some difficulties connected with the operation of the State-use system. Convicts are coming and going so that it is impossible to retain skilled workmen on the job. Some public institutions were reluctant customers. Other States have encountered the same difficulties, but experience has taught that with good business management the System will work.

In New Jersey, they are proceeding to work out on the State-use system, and they are not discouraged. At Rahway the Reformatory gets more orders than they can fill, but they are somewhat hampered by lack of capital or a reserve fund so that they may keep on hand a sufficient quantity of the raw material. Some three or four years ago, the Reformatory at Jeffersonville, Ind., was producing goods worth \$65,000.00 annually for public institutions in the State. In the same year two penal institutions in Ohio were making over \$400,000.00 worth of products which were sold to State institutions. Massachusetts penal institutions

were producing over \$200,000.00 worth of articles for sale to public institutions.

Of course the largest profits are reported from those States where the State-account plan is allowed, which allows certain designated articles to be made and sold in the open market. In States where organized labor has great strength, this system meets with opposition. The most satisfactory plan is to combine some features of the two systems. In one sense, anything produced in the prison shops comes in competition with factories on the outside whether the products are sold to public or private institutions. Warden Russell, of Michigan, stated that, after all, the interference with outside labor is a negligible quantity. In Michigan there are 450,000 laborers employed in the industries of the State outside of the prisons, as against about 1000 men in prison. Warden Russell hopes to make the State prisons self-supporting, and whatever is earned after this stage has been reached will be placed to the credit of the prisoner. Some of these earnings may be sent to the destitute families of the convicts.

The Ohio State Reformatory at Mansfield, Ohio, under the wise and efficient superintendency of James A. Leonard, has been operated under the State-use system exclusively for about ten years, and the results have been highly satisfactory.

SELF-GOVERNMENT.

Considerable doubt was expressed with regard to the wisdom of a system of government wholly under the management of prisoners. W. H. Whitaker, Superintendent of the District of Columbia Reformatory at Occoquan, Va., said in part:

"The most careful and exacting discipline is not for the prisoner but for the officials of the prison.

"If the prisoners are to be educated and turned from crime to virtue it must be through the agency of officers, themselves disciplined, educated and schooled in self-control. No man is fit to command who has not first learned to obey.

"The ideal discipline is that which educates and strengthens the will without breaking it, and which develops a man without crushing him.

"The correct theory of prison discipline is not founded along vindictive lines. Reformation may occasionally find a foothold through force, but being founded upon the wrong theory will soon lose its identity. There must be encouragement along elevated lines that would direct the minds through proper channels, that will lead to a higher and better state of things if the inmate is to hold or gain back his self-respect. Give the prisoner every opportunity to prove his ability to make good and, if he does this, the chances are greatly in his favor to do so when he is discharged. All prisoners should have free access to the warden, so that he may have an opportunity to state his grievances and secure advice. This is an age of penal progress. It has come slowly, but with such certainty that there can remain no doubt as to its permanency. The barbarous methods of doing things have been abolished, and methods less severe

have been substituted therefor, which are founded along humane lines, and guarantee to each man who is down and out a square deal.

"Discipline in prisons should be the same as in any other place. It should be natural and not through force or fear. Whatever punishment is administered to the prisoner should be after you have convinced him that he has violated the rules, done wrong, and that his punishment is necessary if good prison discipline is to be maintained. Always be careful to let him understand that what is done is for his good and not because you have the power to do so.

"Good discipline is necessary for the government of any organization, whether it be penal, industrial or otherwise. Many inmates are serving time for lack of training and discipline in early life which resulted in a disregard for all law and authority. Only strict discipline can overcome habits so formed. The above principles apply outside of prison walls as well as inside, and are necessary to success for the management of free men as well as prisoners. What is needed is good discipline, minus the fads and theories, based on principles that would help the inmates to rely upon their sense of honor in not betraying a trust, thereby building the foundation for the forming and strengthening of character, so that they may reclaim their places in society when released. It really seems from reports of the various prisons that the honor system has reached such proportions that discipline has lost its virtue; men who are honorable and who can be trusted to do that which is right without consulting their own selfish motives need no discipline and a further discussion would seem useless."

W. C. Graves, superintendent of the State Reformatory at Pontiac, Ill., opened the discussion of the report. He was emphatic in his declaration that he believes in self-government in penal institutions, but not the kind that turns the institutions over to the inmates. He said that self-government must not go further than the effort of the prisoner to try to control himself and not the institutions.

Former Warden Moyer, of the Government Penitentiary at Atlanta, Ga., said that the name of the committee ought to be changed to a standing committee on prison training and not discipline, as such a change in name would be more expressive of the change that has taken place in recent years in the penal institutions of the country. Training of the inmates to become useful citizens when they leave the institutions, he said, is the cardinal theme now and not one of discipline.

Mr. Moyer said he, too, is opposed to any plan to turn the institutions over to the prisoners to be governed; that the control should be in the hands of good men and good women who have the permanent good of the institution in mind.

"I don't believe that in prison reform work the impression should get abroad among the inmates of an institution that the State has imposed upon them," said Mr. Moyer. "On the other hand, the prisoner should be brought to realize that he has been justly dealt with and that his getting out and getting into a useful position in life depends largely upon his own efforts to open the doors that have been closed to him."

Dr. Peyton, superintendent of the Reformatory at Jeffersonville, Ind., said he was opposed to institutions governed by the inmates. He said that many of the inmates are mentally and morally unfit, and that it would be a genuine unkindness to them not to have them governed by the guidance of strength, intelligence, humanity and kindness in the effort to get them to live the kind of lives they ought to live.

"There has been a wonderful swing of the pendulum in the wrong direction in this respect," said Dr. Peyton. "In place of sentimentality in the handling of these people there should be sane, strong, kind and just treatment of both men and women in the institutions."

Mr. Whitaker, answering the discussion on his report, said that he believed there should be a government institution established somewhere, where men and women could be trained and later secured to take places of responsibility in the handling of the affairs of prisons and reformatories. This statement was applauded by those present.

Dr. Frank Moore, of the New Jersey Reformatory at Rahway, said that at this institution the self-government plan had been tried as an experiment for a year. At the end of this time, a referendum was taken and the boys by an overwhelming vote requested a return to the old system. Dr. Moore did not wholly condemn the principle involved, stating that his boys were too young to use the governing power properly. Favoritism and grafting politics prevailed, and so the rank and file preferred the wise administration of the officers of the prison to the uncertain fickle government of those who had held the offices among themselves. Dr. Moore thought the system might be feasible where the convicts were older, more experienced in public affairs and better educated.

Some regretted that Thomas Mott Osborne was not present in order that we might have a fuller explanation and defense of his very radical system of government in prisons. Many recognized that Mr. Osborne was a seer, a man with a vision, and that he had already accomplished much in the direction of true reform behind the bars. All, however, were not prepared to adopt or to recommend every detail of his methods, nor was the Association as a whole disposed to yield the government of penal institution even on the inside, to the inmates thereof to the extent which Mr. Osborne has advocated and inaugurated.

We hold no brief for Mr. Osborne, but we have reason to believe that The Mutual Welfare League, which he introduced and encouraged at Sing Sing, is still in successful operation under the administration of the new Warden, W. H. Moyer. Under date of February 19, 1917, the *Star-Bulletin*, published by the prisoners at Sing Sing, contains the following editorial:

"To all outside friends we wish to state that the Mutual Welfare League is in better condition than ever before. It is stronger, not only in morale and in discipline, and the wonderful results obtained in decreasing recidivism, but also because it has stood the test of time and the changing conditions of time.

"The feeling of all the League members of Sing Sing and Auburn is that the present administration has been greatly encouraged by the wonders wrought by semi-self-government among inmates, and that the League has come to stay for all time.

"There is yet room for improvement. There is room in anything for betterment. There never yet was a perfect form of government or discipline devised. The Mutual Welfare League is the best attempt, of which we know, for lifting the inmate of a State prison to that which he has lost—both in self-respect and in the eyes of the world.

"The League, with the exception of a very few members, has responded to every privilege granted to it, and has cherished these same privileges, and has shown that it is worthy of being trusted and consulted.

"The League is now an honor system in the highest sense of the word. The inmate's court is the last word of discipline. The sergeant-at-arms and his deputies have the full confidence of the warden, and are maintaining better discipline than in any city of the same population in the country.

"The Executive Board meet with the warden, often daily, and matters are discussed, remedied, or privileges granted which were undreamed of during the early days of the formation of the League.

"A feeling of fair dealing is in the air. It is discussed in the yard. Every promise is being kept to the letter. The men are responding, and gaining nobility by their own actions."

A PRISON CANNERY.

Nathan D. Simpson, Warden Michigan State Penitentiary at Jackson, interested the Association with an account of their canning establishment and the principles on which it is managed.

Useless work in an institution is disgusting. All work should be real, profitable. Put the prisoner to work in a genuinely profitable industry and give him opportunity to earn money. We cannot reform an abnormal man under abnormal conditions. We do business as every good business man would do it.

The idea that prison labor is necessarily cheap labor is all wrong. We pay every man on the basis of efficiency. They receive from 10 cents to \$1.00 per day, and some make \$26.00 per month. We are not proposing to return one cent to the State Treasury. What we make goes to the men and to betterments and additions. We have perhaps the best canning factory in Michigan. Last year we sold over \$100,000 worth of canned goods, and we cannot satisfy the demand. We do our work under the most modern sanitary conditions, and our brand is a guarantee of purity. Housekeepers in Michigan and elsewhere call for our goods. We have about a thousand men on the farm, and we believe in a variety of industries so that we may find employment adapted to each individual prisoner.

PRISON DISCIPLINE.

The subject of the treatment of prisoners received much attention. The opinion prevailed that the inmates should be made to feel that they are to have a "square deal," and not be subject to the arbitrary whim of a petty despotism. The modern idea of a convict is that he is a man after all.

Warden M. Z. White, of West Virginia, made a report on the subject from which we quote brief extracts.

"The correct theory of prison discipline is not founded along vindictive lines. Reformation may occasionally find a foothold through force, but being founded upon the wrong theory will soon lose its

identity. There must be encouragement along elevated lines that would direct the minds through proper channels, that will lead to a higher and better state of things if the inmate is to hold or gain back his self-respect. Give the prisoner every opportunity to prove his ability to make good and, if he does this, the chances are greatly in his favor to do so when he is discharged. All prisoners should have free access to the warden, so that he may have an opportunity to state grievances and secure advice. All disagreements and violations of rules should be settled this way. The moral effect of treating prisoners in this way, using always due consideration in each case, increases confidence in the warden and gives the prisoner encouragement to better his efforts in the future. This is an age of penal progress. It has come slowly, but with such certainty that there can remain no doubt as to its permanency. The barbarous methods of doing things have been abolished, and methods less severe have been substituted therefor, which are founded along humane lines, and guarantee to each man who is down and out a square deal. I am satisfied that there are too many rules to be observed. Fewer rules, and a more strict observance required of those, would no doubt tend to improve the discipline of every prison. The theory that there is good in every man, and that there exists a method or some influence which would appeal to his heart and reason if opportunity were proffered at the proper time so there need be no disparagement among superintendents and wardens (for there is always work collective and individually), and with the proper efforts and the right remedy applied in a proper way, would, no doubt, give the man inside a chance to prove that he possesses at least some qualifications that would determine character and purpose, that would contribute toward a creation of a new system, give him a higher conception of life, and eventually lift the man who has sinned, and atoned for his sin, from the shadows and perils that have heretofore surrounded and destroyed him.

"Discipline in prisons should be the same as in any other place. It should be natural and, as heretofore stated, not through force or fear, for if administered in this way all the good intended would be destroyed.

"The discipline of the West Virginia Penitentiary, as affecting both employes and inmates, has been steadily improving in the last two years. With a few exceptions, the conduct of the prisoners has been excellent. More privileges have been granted than ever before. All modes of corporal punishment which heretofore existed—such as the paddling machine, handcuffing men to cell doors, dungeons, etc.—were abolished by me when I assumed charge of this institution, and the only method of punishment existing at this time is the taking of 'good time,' and for life prisoners where 'good time' cannot be taken, punishment is inflicted by confinement in the prisoner's own cell for a stipulated time. The discipline of any institution of this kind must necessarily be strict, but at the same time, humane. The rules are easily understood and are not difficult to observe. The substance of all the rules is as follows: That the inmate must attend strictly to his own business, be faithful in his work, keep his cell and person neat and clean and always act in a quiet, orderly manner. From my own experience I find that men respond more readily to kind treatment than they do to harsh measures, and my work in this institution has fully demonstrated this beyond all question of doubt. It has been my aim to appeal to the higher nature of the prisoner and never to humiliate or degrade him."

MARYLAND PENITENTIARY.

Until within the last two or three years, the Maryland State Penitentiary has been notorious for its insistence on rigorous discipline and severity. The present Warden, John F. Leonard, described the results of a new system which was listened to with marked interest:

Nothing is done to humiliate a man, but everything is done to preserve his manhood and self-respect.

Stripes have been abolished (except for punishment), so have the lockstep and shaved head; no heads are shaved except when necessary for sanitary reasons. The rule of silence is no longer in force, and men are permitted to converse, within reasonable limitations, in the dining-room, at work and while marching in line. This in my judgment is one of the best reforms. At meals a man may talk to the one on either side of him, but not across the table; and if he violates this rule more than once, he is fed in his room. They are encouraged to dress in a neat and tasteful manner, and are permitted to have what will enable them to do so; also to have anything in reason with which to furnish their rooms in a comfortable and attractive manner. They are given good, wholesome food, in abundant quantity, from a kitchen absolutely clean and sanitary, and in a dining-room clean, light and cheerful.

In short, the conditions under which they live are made as nearly like those outside as is possible, compatible with the maintenance of discipline. Officers are not permitted to humiliate prisoners, but must treat them as men. Prisoners are permitted to correspond freely with family and friends, there is no limit to incoming mail, three letters are permitted to be sent out each month and the privilege of writing special letters to family or attorneys is never denied.

We have what is recognized as one of the most successful prison schools in the country. This consists of night classes—190 men and women—correspondence classes and a class in sign writing, all of which are doing good constructive work. The teachers are all inmates, and we much prefer such because an outside influence is always a disturbing influence. I do not need to go into further details, suffice it to say that illiteracy has been banished from the Maryland Penitentiary.

Prisoners are encouraged to learn lessons of thrift, and many acquire habits of saving as they never would outside.

Above all, every opportunity and advantage is afforded prisoners to learn those deeper moral and spiritual truths which must lie at the base of any reformation. Time will not permit details concerning this work, but nowhere are larger opportunities given or greater efforts made to instruct in this direction. Every prison has its percentage of degenerates, which furnishes one of the most serious of prison problems, but this is minimized in the Maryland Penitentiary by the inflexible rule of having only one man in a room.

For many reasons useful labor is essential to character building, and especially so in prison. No man is going to work willingly merely for the sake of working; there must be some end in view—something to be accomplished—and to get the best results the man must be interested in the result of his work. He must have a personal share in the profit. Even the satisfaction of knowing he is self-supporting is not sufficient; there must be the possibility of some personal gain. In the Maryland Penitentiary every man is at work—is working under conditions as near normal as it is possible to make them, and is working with the prospect and possibility of receiving a share of the profit from his work. Unless

there should be an unexpected decrease in our population we confidently expect the prisoners to earn for themselves next year not less than \$50,000.

"All work and no play makes Jack a dull boy" is as true within the walls as without. If we are going to make normal men of our prisoners we must take account of this and provide necessary relaxation and recreation. We are not as favorably situated as some in this respect. We are in the midst of a large city, with but six and one-half acres upon which to house and work over 1000 prisoners. Yet some real things are being done in this direction. The permission and encouragement to the men to produce their own entertainments on regular holidays means relaxation and recreation for a large number during weeks of preparation. For over 100 years no musical instrument was permitted in prison; now over 300 men have instruments of almost every kind. They practice in their rooms and competent instruction is provided those who need and desire it. A splendid band and orchestra furnishes enjoyable music for all inmates every night.

Four hundred of the men are organized in a drill squad, officered by competent inmates, and every Sunday morning are put through the regular manual of arms and calisthenic exercises. They are uniformed, have State and National colors, and are escorted to the drill grounds by the band, making a very impressive sight.

One of the very first requisites to good prison management, and especially to any reformatory work, is to make the prisoners feel they are getting a "square deal." This creates an "atmosphere" that makes all other work easier and more effectual.

No cruel or inhuman punishments are needed or used. Every privilege accorded furnishes a mode of punishment; so there are no dark cells, no rooms without beds. Men are locked up on bread and water and privileges are withheld from them, not for a definite time, but until they are ready to do right. Feeling they are punished justly, the power to help and benefit them is not lost. The warden of the Maryland Penitentiary is able to inflict punishment and yet retain the good will of the men, because they feel they get what every prisoner values and wants above all things else—"a square deal."

All this is done without "coddling" the prisoner, but by treating him as a man; one evidence of the "square deal" is shown in the fact that "lifers" are given the same privileges as others. Fifty per cent. of them attend school; some of them occupy the most trustworthy positions, and indeed these long-term men are now the best behaved prisoners. One striking indication of the success of this kind of discipline is found in the fact that we have had only one assault with a dangerous weapon in two years. Although the prisoner enjoys many privileges he is not allowed to run the prison; this would not be just and fair, for the prisoner's worst enemy is his fellow-prisoner, and for that reason the prisoners will never run the Maryland Penitentiary under the present management.

COMMON SENSE VERSUS SENTIMENT.

Mrs. Maud Ballington Booth spoke a good word for the wardens. They have no easy task. They are generally doing the best possible under their environment. They are often criticised by the purely sentimental, who know little of the real problems:

"The public often looks with a superficial glance at a subject and catches only the high lights of a picture. To them prison reform means

baseball and moving pictures, liberty to come and go on honor, or perhaps votes and self-government. To those who look closer it means the just, impartial study of the individual, the development of what is best in every prisoner, the building up of new ideals, the teaching of idle brains to think and of idle hands to work; the grading and training and doctoring and inspiring of body, soul and mind, and it is a task so immense that we never can feel we know it all, but must ever humbly study and strive for better, more perfect results and fulfilments.

"It does not strengthen the cause of prison reform to-day to exaggerate the conditions of yesterday. We may be putting on some mighty good cornices, but let us not forget those who toiled in the dark on the foundations of our buildings, and let us not call their work evil, even if it was not as ornamental and showy as our own. It does not do justice to the man who began these reforms to forget them, while we praise those who have carried them to greater lengths or to more public recognition. It is belittling to the cause of prison reform to judge the prisons all over the country by one or two whose buildings and equipment may be shockingly inadequate; and yet, alas, that is what the uninformed public is often too prone to do.

"The dear public loves thrills and horrors and sensation, and the quiet humdrum of hard, unseen work for advance does not appeal at first sight, but that is after all what brings results, and lasting results are what must tell in the long run.

"... In many States the last things for which appropriations are made, and then grudgingly, are the prisons. The warden must do the best he can. In scriptural terms, he is supposed to make bricks without straw and the public is all too ready to clamor against him if he does not do it. . . .

"How are we preparing these men of the prison world for the dangers of the voyage ahead of them? The old paths, the old friends, the old vices, excitement and habits are ready once more to assail them.

"Let us show them the new vision of better things. Let us urge them to get the right pilot aboard. With Christ's love in their hearts and God's own light on their path they will go forth new men into the old world, and they will have something stronger than their own resolves or our help on which to lean—something true and real and vital enough to face life's temptations and to make good."

GOVERNOR WHITMAN.

As it has been a recognized fact that the methods of Thomas Mott Osborne, the renowned Warden of Sing Sing, had not met with the full approval of the new State administration, the address of Governor Whitman was regarded with interest as a statement of his views on the general subject of prison reform. It was evident that while he did not support altogether the methods of Warden Osborne, he did inveigh against the "stupidity of the old system." While he favored many of the modern reforms, he still adhered to the notion of "iron discipline." "The so-called new way does not always succeed, but we know that the old way was wrong." The Governor spoke deprecatingly of the law which provides that one convicted of a felony may not vote. In good time he would remove this disability. He believes in the farm treatment of prisoners, and to a reasonable extent in the honor and trust system, though he probably does not favor the proposition

that the prisoners may make their own regulations for their conduct and discipline while in prison. His address showed a sympathetic interest in the progress of penal reform, but dealt with general principles rather than with specific or concrete illustrations.

The Governor's reference to certain efforts for the uplift of the man behind the bars as mawkishly sentimental and foolishly indulgent was unjust and superfluous. Nobody wishes to coddle the prisoners. Endeavors to reach the heart of these men and to give them incentives for serving the community need every encouragement from high officials. Such criticisms are usually heard from those who have but a superficial knowledge of the real lives of those whom we have exiled. Grant to them some reasonable privileges, some opportunity to regain a portion of their self-respect, and there is still left enough of restraint and "iron discipline" to constitute severe punishment.

CONCLUSION.

It was decided to hold the 1917 sessions of the Association in New Orleans in November. We trust there will be some opportunity to study the Farm system which prevails in a number of the Southern States. Climatic conditions are favorable to open-air work for nearly all the year. It was suggested that sessions of one or two days might be held in Havana, or that at the conclusion of the meeting in New Orleans, an opportunity to visit the Cuban Penitentiary at Havana might be enjoyed to the advantage of both the visitors and the visited.

The officers elected include the following: President, Dr. David C. Peyton, Superintendent Indiana State Reformatory, Jeffersonville, Ind.; Secretary, Joseph P. Byers, Philadelphia, Pa.; Treasurer, Albert Garvin, West Hartford, Connecticut.

ALBERT H. VOTAW,

J. F. OHL,

Delegates.

REPORT OF THE COMMITTEE ON DISCHARGED PRISONERS, MADE TO THE AMERICAN PRISON ASSOCIATION BY F. EMORY LYON, CHAIRMAN, SUPERINTENDENT THE CENTRAL HOWARD ASSOCIATION, CHICAGO.*

To discuss the final rehabilitation of the offender is clearly the province of the Committee on Discharged Prisoners.

To dispute the importance of this function would be either to discount the feasibility of reforming the offender, or to admit that our correctional system has failed to fit men for good citizenship. Either one of these positions would be inconsistent with the reformatory principles of the American Prison Association.

We have the young and the old; the illiterate and the educated; the accidental and the deliberate offender. Yet we are reminded again and again that all of them are men, under the surface of whose faults lie the elements of integrity upon which a new structure of citizenship may be built. They are the product, we know, not only of their own mixed emotions, but of society's influences for good and evil as well. The extent to which it has contributed to their weakness; their deficiency and their delinquency is the measure of its responsibility.

Thus the nature of the problem is more apparent than in dealing with its reality. Here we will find no such definite and tangible understanding, and perhaps no such general agreement on the part of all concerned. The unthinking public, for instance, is prone to feel that once a man is convicted of crime the problem is then solved, instead of only initiated. He is put away, out of sight and out of mind. Rarely is it asked what kind of place is he going to, a place of custody, to be sure, or of punishment certainly, possibly for reformation. Who inquires as to whether he is to be treated in body or in mind, if necessary, or trained in head, hand and heart, a need which the situation essentially implies.

The prison official, on the other hand, is apt to believe that the task is completed at the time of release. This is naturally so from the fact of his conscientious effort to secure for each inmate the treatment and training so clearly needed. He has often accomplished far more in this direction than the public realizes; sometimes in spite of indifference or political interference. Yet if the purpose is permanent reformation, the most important test of that process is yet to come.

*Since the care of released prisoners is one of the leading functions of the Pennsylvania Prison Society, we present this excellent paper almost in its entirety.

To what extent, can it be said, is the average official able and willing to concern himself deeply with the question as to what is to become of the inmate who is going out tomorrow. The State itself has never answered this question so far as it applies to the discharged prisoner. It has only indifferently provided for the probationer and paroled man. To this question, therefore, neither the public, the official or the State can afford longer to be indifferent.

The work implied by the title of this committee is interwoven with the whole procedure of correction and restoration. As a matter of fact, the agencies offering aid to prisoners are called upon to help men all alone the line. Nor does the appeal come alone from the applicants, but from officials. Judges invite them to become a friend at court for the prospective probationer. Prison officials ask them not only to aid discharged men in whom they have faith, but also to serve as first friend to those ready for parole. Thus they supplement the inadequate parole organization of the various States, and at the same time furnish the material relief in times of distress which the State cannot well supply, and put the personal or human interest element into their supervision.

Hence the question raised by this committee two years ago, as to whether its work should apply to discharged prisoners only, is answered in the negative. More appropriately might the name be changed to the Committee on Released Prisoners. Similarly last year our committee emphasized the continuous nature of the work in this field, and the importance of close co-operation between the officials and voluntary agencies.

That such co-operation has increased from year to year is apparent. That still more thorough supervision is needed for the discharged and paroled men is also apparent. Attention cannot too often be called to the State's folly in spending thousands in an effort to prepare men for better citizenship, and then begrudging pennies to provide practical means for completing the process, and society as a whole apparently acquiesces in this irrational and short-sighted policy by withholding adequate support to voluntary agencies.

So much for the character and reality of our problem of rehabilitation—more obvious perhaps than its scope and the difficulties involved.

First, as to the scope or dimensions of the undertaking: Here it should be emphasized that our field of operations is being constantly and rapidly extended and for several reasons. The more intensive study of the offender is added to the effort above cited to solve the entire problem, and not merely to make a detached effort to rescue the derelict from the wreck. This means

that there is more to do than to administer relief or dole out superficial charity, or even to offer economic or spiritual advice. It is an effort to help men think right, and act right; to adjust their lives to circumstances and difficulties, and to gain the mastery over themselves and their environment.

Meanwhile, and doubtless in part because we have not approached the question from a sufficiently thorough-going standpoint, *crime is increasing*. This is no idle assertion, such as has been made several times, but rarely justified, or verified. Until the past two years, as a matter of fact, there was little, if any, evidence that crime was increasing faster than the natural increase in population. The "count" of our penal institutions has remained about the same for nearly a generation.

But within these two years, nearly every prison of the country has become crowded. One State in the Middle West has a thousand more convicted felons today than it had two years ago. The prison population of other States and of the federal institutions have similarly increased. If it were not for the fact that some 10,000 men in the different States are at work upon honor farms and at road-making, the overcrowding would be more apparent than it is.

One may cite numerous indirect causes for this increase. There is the continued lack of home-training and control; the absence of vocational education; the insufficient facilities for recreation, and the general unpreparedness of youth for the responsibilities of life. . . .

A still more striking cause of the increase of crime, in the view of many, is to be found in the great war. With a dozen nations at each others' throats, destroying life and property at an unprecedented rate, can there be any other result than the lessening of the sense of the sacredness of human life, and indifference as to the importance of material values? If the average citizen becomes more callous over the accounts of human slaughter, what of the slightly less than normal, more easily influenced, and less alive to the higher sensibilities and untrained in ethical standards?

The war, therefore, with all its other burdens, is doubtless bringing its harvest of crime in all countries, and this harvest will continue beyond the present generation.

With this growing problem before us, therefore, and becoming more immediate and menacing every day, there is need for all the wisdom and consecration of individual citizens, the efforts of all agencies applied at every stage, and for the active application of all principles of prevention, and the utmost efficiency of systems of correction.

At this point it may be well to raise the question as to the effectiveness of our correctional system, and to ask whether there may be a more direct cause for the increase in crime. And here at once let it be understood that if there be any shortcomings, they are cited, not as a criticism of individuals, but of the system.

During the past year a certain publicist made this startling statement: "The greatest crime in America today is the wholesale manufacture of criminals." He referred to the well-known delays in the courts; to the many cases of unequal justice, due to the legal fiction of considering the offense as the all-important thing, rather than the offender, with all his human limitations and possibilities. He exposed once more the irrational situation in the average police station and county jail, where criminal impulses and rebellion against society have so often been awakened by the unwholesome condition which society has provided. He spoke of the prejudices still existing against the released prisoner who really wants a square deal and a fair chance, and of the difficulties encountered by this same man through the persecutions of many policemen.

All of which confirms the experience of every prisoner's aid worker, and the impression of many observing citizens, that this complex problem of dealing with the human derelict requires a more delicate handling than it usually receives. In the effort to plan for his future, one is constantly confronted by the absence of plan through all his past, either by himself or by the State.

The experience of the New York Prison Association is borne out in efforts of other similar organizations. Its employment secretary gives the following summary of difficulties met in the effort to restore discharged prisoners to self-support. He says: "Some of the difficulties of securing employment for these men are: First, their lack of business or trade training; second, the failure of the present prison system to train them for either useful or hard work on their discharge; third, the fact that the men have frequently changed from one occupation to another, and have not made a specialty of one thing; fourth, the lack of sufficient work to keep the men employed at hard labor in our penal institutions, so that they are physically unable to do a hard day's work on their discharge.

All of the above are real difficulties confronting the prisoner's aid worker, and all reflect upon the inability of the present system to prepare men, by all and every means, for economic independence. And none of these is more true or vital than the last reference to insufficient work within the prisons. It is only too true that very few prisons have adequate work for their inmates. Many have hundreds of men sitting in idleness day and night. Under such conditions as these the States are teaching the lesson

of idleness and inefficiency, instead of habits of industry and self-support.

After their discharge, by dint of special effort, work is secured. Shortly, however, they are dismissed from service, not because they are ex-prisoners, but because they have no reasonable standard of efficiency.

This situation might not be so serious if it merely marked a transition between the elimination of contract labor and the substitution of adequate State industries. But the condition has continued for some time and has grown worse in recent years. As a result, many institutions have hundreds of men sitting in complete idleness, and others but partly employed.

Furthermore, if the bills now before Congress, providing against the interstate sale of prison products, should pass, employment will be still further limited, and more idleness and insanity will result.

In view of all these difficulties, the success attained by paroled and discharged men is most encouraging. No exact estimate can be made here as to the total number of ex-prisoners assisted by the various voluntary agencies. Some ten years ago this committee reported an average of 10,000 per year. This is exclusive of the large number directly under State supervision. It is found that an average of one man per day released from each State penal institution would not be far from the fact. That from 70 to 80 per cent. should make good, in spite of their lack of training, is most gratifying.

This refers, of course, to those on parole or probation, and under supervision. It would be well if we could have equally definite knowledge of discharged men, and could devise some method of friendly and effective surveillance. This is desirable not only for those who receive little or no discharge fee, but also for those who have been paid for their work. Leaving prison with considerable sums of money, with the sudden opportunity to spend it, and before balanced judgment and responsibility have been restored, is more likely than not to end in disaster.

The committee would recommend, therefore, that this matter be considered seriously, and that the States provide some means by which gradual adjustment to freedom may be made.

The committee would also suggest wider publicity as to the successful results realized under the parole and probation laws. Many prisoners making good should be of as vital interest to the public as the occasional one who escapes or violates his parole.

With all officials, agencies and factors working together for the solution of the crime problem, the committee believes that each year should record advancement in the movement for prevention.

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The Pennsylvania Prison Society was founded under the name "Philadelphia Society for Alleviating the Miseries of Public Prisons," May 8, 1787.

It was incorporated under same name April 6, 1833.

The objects named in the Charter were three:

1. Alleviating the Miseries of Public Prisons.
2. Improvement of Prison Discipline.
3. Relief of Discharged Prisoners.

By order of the Court, the corporate title was changed January 27, 1886, to "THE PENNSYLVANIA PRISON SOCIETY."

All correspondence and financial contributions should be addressed to The Pennsylvania Prison Society at 119 South Fourth Street, Philadelphia, Pa.

FORM FOR BEQUEST OF PERSONAL PROPERTY.

I give and bequeath to "The Pennsylvania Prison Society"
the sum of.....Dollars

FORM OF DEVISE OF REAL ESTATE.

I give and devise to "The Pennsylvania Prison Society" all
that certain piece and parcel of land.....
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